

ROOM 240

ACTS
AND
RESOLVES

PASSED BY THE

General Court of Massachusetts,

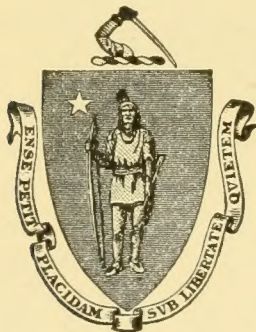
IN THE YEAR

1911,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, TABLES SHOWING
CHANGES IN THE STATUTES, CHANGES OF
NAMES OF PERSONS, ETC., ETC.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



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1911.

A CONSTITUTION
OR
FORM OF GOVERNMENT

FOR

The Commonwealth of Massachusetts

PREAMBLE.

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life : and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

Objects of
government.

The body politic is formed by a voluntary association of individuals : it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them ; that every man may, at all times, find his security in them.

Body politic,
how formed.
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peace-

ably, without fraud, violence, or surprise, of entering into an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ARTICLE I. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship. Protection therein.
2 Cush. 104.
12 Allen, 129.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession of sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendments, Art. XI. substituted for this.

III. [As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality; and as these cannot be generally diffused through a community but by the institution of the public worship of God, and of public instructions in piety, religion, and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for

Legislature empowered to compel provision for public worship;

the support and maintenance of public Protestant teachers of piety, religion, and morality, in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend. and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance. Exclusive right of electing religious teachers secured.

And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised. Option as to whom parochial taxes may be paid, unless, etc.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.] All denominations equally protected. 8 Met. 162. Subordination of one sect to another prohibited.

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America, in Congress assembled. Right of self government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them. Accountability of all officers, etc.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.

Objects of government; right of people to institute and change it.

VII. Government is instituted for the common good ; for the protection, safety, prosperity, and happiness of the people ; and not for the profit, honor, or private interest of any one man, family, or class of men : Therefore the people alone have an incontestable, unalienable, and infeasible right to institute government ; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

Right of people to secure rotation in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life ; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office. For the definition of "inhabitant," see Ch. 1, Sect. 2, Art. II.

IX. All elections ought to be free ; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

122 Mass. 595, 596.

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection ; to give his personal service, or an equivalent, when necessary : but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation founded on consent.

16 Mass. 326.
1 Pick. 418.
7 Pick. 344.
12 Pick. 184, 467.
16 Pick. 87.
23 Pick. 360.
7 Met. 388.
4 Gray, 474.
7 Gray, 363.
14 Gray, 154.
1 Allen, 150.
4 Allen, 474.

Private property not to be taken for public uses without, etc.
6 Cush. 327.
14 Gray, 155.
16 Gray, 417, 431.

1 Allen, 150.	103 Mass. 120, 624.	113 Mass. 45.	127 Mass. 50, 52,
11 Allen, 530.	106 Mass. 356, 362.	116 Mass. 463.	358, 363, 410, 413.
12 Allen, 223, 230.	108 Mass. 202, 213.	126 Mass. 428, 441.	129 Mass. 559.
100 Mass. 544, 560.	111 Mass. 130.		

Remedies, by recourse to the law, to be free, complete and prompt.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and

justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

107 Mass. 172, 180.
108 Mass. 5, 6.

118 Mass. 443, 451.
120 Mass. 118, 120.

122 Mass. 332.
124 Mass. 464.

127 Mass. 550, 554.
129 Mass. 559.

Prosecutions regulated.
8 Pick. 211.
10 Pick. 9.
18 Pick. 434.
21 Pick. 542.
2 Met. 329.
12 Cush. 246.
1 Gray, 1.
5 Gray, 160.
8 Gray, 329.
10 Gray, 11.
11 Gray, 438.
2 Allen, 361.
11 Allen, 238-240, 264, 439, 473.
12 Allen, 170.
97 Mass. 570, 575.
100 Mass. 287, 295.
103 Mass. 418.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

Right to trial by jury in criminal cases, except, etc.
8 Gray, 329, 373.
103 Mass. 418.

Crimes to be proved in the vicinity.
2 Pick. 550.
121 Mass. 61, 62.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

Right of search and seizure regulated.
Const. of U. S., Amend't IV.
2 Met. 329.
5 Cush. 369.
1 Gray, 1.
13 Gray, 454.
10 Allen, 403.
100 Mass. 136, 139.
126 Mass. 269, 273.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, etc.
Const. of U. S., Amend't VII.
2 Pick. 382.
7 Pick. 366.
5 Gray, 144.
8 Gray, 373.
11 Allen, 574, 577.
102 Mass. 45, 47.

114 Mass. 388, 390.
120 Mass. 320, 321.

122 Mass. 505, 516.
123 Mass. 590, 593.

125 Mass. 182, 183.
128 Mass. 600.

Liberty of the press.

XVI. The liberty of the press is essential to the security of freedom in a state : it ought not, therefore, to be restrained in this commonwealth.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil. 5 Gray, 121.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature ; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Moral qualifications for office.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives : and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Moral obligations of lawgivers and magistrates.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good ; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, etc., and reason thereof.

XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent. 8 Allen, 247.

XXIII. No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

Ex post facto laws prohibited.
12 Allen, 421,
424, 428, 434.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Legislature not to convict of treason, etc.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

5 Gray, 482.

Excessive bail or fines, and cruel punishments, prohibited.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

No soldier to be quartered in any house, unless, etc.

XXVIII. No person can in any case be subject to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Citizens exempt from law-martial, unless, etc.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Judges of supreme judicial court.

3 Pick. 471.
1 Gray, 472.
4 Allen, 591.
7 Allen, 385.
105 Mass. 219,
221, 225.
Tenure of their office.

Salaries.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Separation of executive, judicial, and legislative departments.

2 Cush. 577.
2 Allen, 361.
8 Allen, 247, 253.
100 Mass. 282,
286.
114 Mass. 247,
249.

PART THE SECOND.

The Frame of Government.

Title of body politic.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

Legislative department.

ARTICLE I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

For change of time, etc., see amendments, Art. X.

The legislative body shall assemble every year [on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May;] and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto.
99 Mass. 636.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases,

Bill may be passed by two-thirds of each house, notwithstanding.

the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

3 Mass. 567.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same: whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within the said commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to

For exception in case of adjournment of the general court within the five days, see amendments, Art. I.

General court may constitute judicatories, courts of record, etc.
8 Gray, 1.
12 Gray, 147, 154.

Courts, etc., may administer oaths.

General court may enact laws, etc.

9 Gray, 426.
4 Allen, 473.
12 Allen, 223, 237.

100 Mass. 544, 557.
116 Mass. 467, 470.

may enact laws, etc., not repugnant to the constitution.
6 Allen, 358.

may provide for the election or appointment of officers.
115 Mass. 602.

may prescribe their duties.

General court may impose taxes, etc.
 12 Mass. 252.
 5 Allen, 428.
 6 Allen, 558.
 8 Allen, 247, 253.
 10 Allen, 235.
 11 Allen, 268.
 12 Allen, 77, 223,
 235, 238, 240,
 298, 300, 312,
 313, 500, 612.
 98 Mass. 19.
 100 Mass. 285.
 101 Mass. 575,
 585.
 103 Mass. 267.
 114 Mass. 388,
 391.
 116 Mass. 461.
 118 Mass. 386,
 389.
 123 Mass. 493,
 495.
 127 Mass. 413.
 may impose taxes, etc., to be disposed of for defence, protection, etc.
 8 Allen, 247, 256.
 Valuation of estates once in ten years, at least, while, etc.
 8 Allen, 247.
 126 Mass. 547.

this constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities, whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

For the authority of the general court to charter cities, see amendments, Art. II.

CHAPTER I.

SECTION II.

Senate.

Senate, number of, and by whom elected. Superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXII.

ARTICLE I. [There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election; to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts: and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein: provided, that the number of such districts shall never be less than thir-

For provision as to councillors, see amendments, Art. XVI.

teen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for councillors and senators, viz.: — Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes County and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

Counties to be districts, until, etc.

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz.: there shall be a meeting on the [first Monday in April,] annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the [first Monday in April,] for the purpose of electing persons to be senators and councillors; [and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word “inhabitant” in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this state, in that town, district, or plantation where he dwelleth, or hath his home.

Manner and time of choosing senators and councillors. See amendments, Arts. X. and XV. As to cities, see amendments, Art. II. Provisions as to qualifications of voters, superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII. Word “inhabitant” defined. See also amendments, Art. XXIII., which was annulled by Art. XXVI. 12 Gray, 21. 122 Mass. 595, 597.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name: and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purport

Selectmen to preside at town meetings.

Return of votes.

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January. See amendments, Art. X.

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

Plantation meetings. Time of election changed by amendments, Art. XV. Assessors to notify, etc.

Governor and council to examine and count votes, and issue summonses. Time changed to first Wednesday in January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

Senate to be final judge of elections, etc.,

of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May] annually; or it shall be delivered into the secretary's office seventeen days at least before the said [last Wednesday in May:] and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, seventeen days before the said [last Wednesday in May.]

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually [on the same first Monday in April], at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

III. And that there may be a due convention of senators on the [last Wednesday in May] annually, the governor with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by [a majority of] voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year the said returned copies shall be examined by the president and five of the council of the former constitution of government: and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as

pointed out in the constitution; and shall, [on the said last Wednesday in May] annually, determine and declare who are elected by each district to be senators [by a majority of votes; and in case there shall not appear to be the full number of senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.]

of its own members.
Time changed to first Wednesday of January by amendments, Art. X.
Majority changed to plurality by amendments, Art. XIV.

Vacancies, how filled.
Changed to election by people.
See amendments, Art. XXIV.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Qualifications of a senator.
Property qualification abolished.
See amendments, Art. XIII.
For further provision as to residence, see also amendments, Art. XXII.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

Senate not to adjourn more than two days.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

shall choose its officers and establish its rules.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place

shall try all impeachments.

Oath.

Limitation of sentence.

of honor, trust, or profit, under this commonwealth ; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Quorum. See amendments, Arts. XXII. and XXXIII.

IX. [Not less than sixteen members of the senate shall constitute a quorum for doing business.]

CHAPTER I.

SECTION III.

House of Representatives.

Representation of the people.

ARTICLE I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representatives, by whom chosen. Superseded by amendments, Arts. XII. and XIII., which were also superseded by amendments, Art. XXI. 7 Mass. 523.

II. [And in order to provide for a representation of the citizens of this commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty ratable polls may elect one representative ; every corporate town containing three hundred and seventy-five ratable polls may elect two representatives ; every corporate town containing six hundred ratable polls may elect three representatives ; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.

Proviso as to towns having less than 150 ratable polls.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative ; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Towns liable to fine in case, etc.

And the house of representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Expenses of travelling to and from the general court, how paid. Annulled by Art. XXXV.

[The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.]

Qualifications of a representative.

III. Every member of the house of representatives shall be chosen by written votes ; [and, for one year at

least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.]

New provision as to residence. See amendments, Art. XXI. Property qualifications abolished by amendments, Art. XIII.

IV. [Every male person, being twenty-one years of age, and resident in any particular town in this commonwealth for the space of one year next preceding, having a freehold estate within the said town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

Qualifications of a voter. These provisions superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII. See also amendments, Art. XXIII., which was annulled by Art. XXVI. Representatives, when chosen.

V. [The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House alone can impeach.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

House to originate all money bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

Not to adjourn more than two days.

IX. [Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

Quorum. See amendments, Arts. XXI. and XXXIII.

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the

To judge of returns, etc., of its own members; to choose its officers and establish its rules, etc.

May punish for certain offences. 14 Gray, 226.

house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

Privileges of members.

And no member of the house of representatives shall be arrested, or held to bail on mesne process, during his going unto, returning from, or his attending the general assembly.

Senate.
Governor and council may punish.
General limitation.
14 Gray, 226.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Trial may be by committee, or otherwise.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

Governor.

ARTICLE I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—HIS EXCELLENCY.

His title.
To be chosen annually.
Qualifications.
See amendments, Arts. VII. and XXXIV.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; [and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds;] [and unless he shall declare himself to be of the Christian religion.]

By whom chosen, if he have a majority of votes.

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting to be called for that purpose, on the [first Monday of April] annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the [last Wednesday in May]; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said [last Wednesday in May]; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives on the [last Wednesday in May], to be by them examined; and in case of an election by a [majority] of all the votes returned, the choice shall be by them declared and published; but if no person shall have a [majority] of votes, the house of representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January by amendments, Art. X.

Changed to plurality by amendments, Art. XIV.

How chosen, when no person has a plurality.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this commonwealth for the time being; and the governor with the said councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

Power of governor, and of governor and council.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause

May adjourn or prorogue the general court upon request, and convene the same. As to dissolution, see amendments, Art. X.

happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other, the most convenient place within the state.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

VII. The governor of this commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution

As to dissolution, see amendments, Art. X.

Governor and council may adjourn the general court in cases, etc., but not exceeding ninety days.

Governor to be commander-in-chief.

Limitation.

granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

Governor and council may pardon offences, except, etc.

But not before conviction.
109 Mass. 323.

IX. All judicial officers, [the attorney-general,] the solicitor-general, [all sheriffs,] coroners, [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

Judicial officers, etc., how nominated and appointed. For provisions as to election of attorney-general, see amendments, Art. XVII.

For provision as to election of sheriffs, registers of probate, etc., see amendments, Art. XIX. For provision as to appointment of notaries public, see amendments, Art. IV.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

Militia officers, how elected. Limitation of age struck out by amendments, Art. V.

How commissioned.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor, the officers elected.

Election of officers.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

Major-generals, how appointed and commissioned.

For provisions as to appointment of a commissary-general, see amendments, Art. IV.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elec-

Vacancies, how filled, in case, etc.

tions, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. Superseded by amendments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.]

Adjutants, etc., how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Army officers, how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

Organization of militia.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

Money, how drawn from the treasury, except, etc. 13 Allen, 593.

XI. No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards, etc., to make quarterly returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall

exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court by a dependence on them for his support, that he should in all cases act with freedom for the benefit of the public, that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the commonwealth in the character of its chief magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ARTICLE I. There shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be—His HONOR; and who shall be qualified, in point of [religion,][property,] and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of repre-

Lieutenant-governor; his title and qualifications. See amendments, Arts. VII. and XXXIV.

How chosen.

Election by plurality provided for by amendments, Art. XIV.

sentatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

President of council
Lieutenant-governor a member of, except, etc.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

Lieutenant-governor to be acting governor, in case, etc.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

Council.
Number of councillors changed to eight.
See amendments, Art. XVI.

ARTICLE I. There shall be a council for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

Number; from whom, and how chosen.
Modified by amendments, Arts. X. and XIII.
Superseded by amendments, Art. XVI.

II. [Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

If senators become councillors, their seats to be vacated.

III. The councillors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

Rank of councillors.

IV. [Not more than two councillors shall be chosen out of any one district of this commonwealth.]

No district to have more than two.

Superseded by amendments, Art. XVI.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present ; and this record may be called for at any time by either house of the legislature ; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute, all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exercise the power of governor in case, etc.

VII. [And whereas the elections appointed to be made, by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows : the vacancies in the senate, if any, shall first be filled up ; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people ; and afterwards the two houses shall proceed to the election of the council.]

Elections may be adjourned until, etc.

Order thereof. Superseded by amendments, Arts. XVI. and XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, etc.

ARTICLE I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public, and] naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the pub-

Secretary, etc., by whom and how chosen. For provision as to election of secretary, treasurer and receiver-general, and auditor and attorney-general, see amendments, Art. XVII.

Treasurer ineligible for more than five successive years.

lie accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

For provision as to appointment of notaries public and the commissary-general, see amendments, Art. IV.

Secretary to keep records; to attend the governor and council, etc.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commissioned officers to be expressed. Judicial officers to hold office during good behavior, except, etc. But may be removed on address.

ARTICLE I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Justices of supreme judicial court to give opinions when required. 122 Mass. 600. 126 Mass. 557, 561.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of the peace; tenure of their office. 3 Cush. 584.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

For removal of justices of the peace, see amendments, Art. XXXVII.

Provisions for holding probate courts. 12 Gray, 147.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

Marriage, divorce, and alimony. Other provisions made by law. 105 Mass. 327. 116 Mass. 317.

CHAPTER IV.

DELEGATES TO CONGRESS.

[The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room ; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth ; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

Delegates to congress.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, ETC.

SECTION I.

The University.

ARTICLE I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state ; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America, — it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled

Harvard College.

Powers, privileges, etc., of the president and fellows, confirmed.

Chap. 39 AN ACT RELATIVE TO THE PROTECTION OF WOOD OR SUMMER
DUCK.

Be it enacted, etc., as follows:

1906, 274,
§ 1,
amended.

Protection of
certain birds.

Section one of chapter two hundred and seventy-four of the acts of the year nineteen hundred and six is hereby amended by striking out the word "eleven", in the second line, and inserting in place thereof the word: — sixteen, — so as to read as follows: — *Section 1.* It shall be unlawful, prior to the first day of September in the year nineteen hundred and sixteen, to hunt, capture, wound or kill a wood or summer duck. *Approved February 15, 1911.*

Chap. 40 AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO MAKE AN
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

Brockton
Water Loan,
1911.

SECTION 1. The city of Brockton, for the purposes named in chapter one hundred and twenty-four of the acts of the year eighteen hundred and seventy-eight, and also for the purpose of constructing such storage reservoir or reservoirs for its water department, as it shall deem necessary within its limits or in the adjoining town of Avon, may issue from time to time bonds, notes or scrip to an amount not exceeding two hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued by said city for water works purposes; and the same shall not be reckoned in determining the statutory limit of indebtedness of the city. Such bonds, notes or scrip shall bear on their face the words, Brockton Water Loan, 1911, shall be payable at the expiration of periods not exceeding thirty years from their dates of issue; shall bear interest payable semi-annually at a rate not exceeding four and one half per cent per annum, and shall be signed by the treasurer of the city and countersigned by the mayor. The city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than their par value; and *provided, further*, that no part of the proceeds of the sale of said bonds, notes or scrip shall be used in payment of running expenses.

Provisos.

SECTION 2. The city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of any of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said city, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of the city annually thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished.

Payment of loan.

SECTION 3. This act shall take effect upon its acceptance by the city council of said city.

Approved February 15, 1911.

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO CONSTRUCT A STORAGE RESERVOIR FOR ITS WATER DEPARTMENT WITHIN ITS LIMITS OR IN THE ADJOINING TOWN OF AVON.

Chap. 41

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton, for the purpose of improving its water supply system by the construction of a storage reservoir or reservoirs, may take, or acquire by purchase or otherwise, and hold all lands, rights of way and easements necessary for the purpose, situated in the city of Brockton or in the adjoining town of Avon.

The city of Brockton may construct a storage reservoir.

SECTION 2. Said city may erect on the land thus acquired reservoirs, filter basins, buildings, fixtures and other structures, and may establish all necessary conduits, pipes and other suitable structures for delivering water to said city, and may construct and lay down aqueducts, conduits, pipes and other works in, under, through or over any lands, water courses or public or private ways, within the limits of said city, or from said city within the limits of said town to its storage reservoir. For the purpose of constructing, maintaining and repairing such conduits, pipes and other works should the said storage reservoir be located in said town, said city may dig up any lands, and, under the direction

May erect other structures for the delivery of water, etc.

of the board of selectmen of the said town, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon, and shall restore and keep in repair such ways when they have been dug up, to the satisfaction of the selectmen of the said town.

Description
of land, etc.,
taken to be
recorded.

SECTION 3. Said city shall, within sixty days after the taking of any lands, rights of way or easements under this act, file and cause to be recorded in the registry of deeds for the county within which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners of the city.

Damages.

SECTION 4. Said city shall pay all damages sustained by any person, corporation or town, by the taking of any land, right of way or easement, or by any other thing done by the city under the authority of this act. Any person, corporation or town sustaining damages as aforesaid, and failing to agree with said city as to the amount thereof, may have them determined in the manner provided by law when land is taken for laying out highways, on application at any time within two years after the taking of any such land or other property, or after the doing of any other injury under authority of this act; but no such application shall be entertained after the expiration of two years from such taking.

Penalty for
destruction
of property,
etc.

SECTION 5. If any person shall destroy or injure any dam, reservoir, aqueduct, pipe, conduit, hydrant, machinery or other property held, owned or used by said city under the authority of this act, he shall forfeit and pay to the city three times the amount of damages assessed therefor, to be recovered in an action of tort; and, on conviction of any of the wanton or malicious acts aforesaid, may be punished by a fine not exceeding three hundred dollars or by imprisonment in a jail or house of correction for a term not exceeding one year.

SECTION 6. This act shall take effect upon its passage.

Approved February 15, 1911.

Chap. 42 AN ACT TO AUTHORIZE THE TOWN OF CHESHIRE TO REFUND CERTAIN NOTES.

Be it enacted, etc., as follows:

The town of
Cheshire
may refund
certain notes.

SECTION 1. For the purpose of paying certain outstanding notes amounting to eleven thousand two hundred and

forty dollars, the town of Cheshire is hereby authorized to borrow the said sum and to issue notes therefor. One of the said notes shall be payable in each year after the said loan is made, and the amount of the first nine notes so issued shall be eleven hundred dollars each, and the amount of the tenth note shall be thirteen hundred and forty dollars. The said notes shall be signed by the treasurer and countersigned by the selectmen of the town, and shall bear interest at a rate not exceeding four and one half per cent per annum. The money required to pay the interest on said notes in each year and that part of the principal which becomes due in that year shall be raised by taxation in the manner in which the other expenses of the town are provided for.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1911.

AN ACT RELATIVE TO THE ANNUAL PREPARATION AND PRINTING OF A LIST OF STATE OFFICIALS AND THEIR EMPLOYEES WITH THEIR SALARIES OR COMPENSATION.

Chap. 43

Be it enacted. etc., as follows:

SECTION 1. Section one of chapter two hundred and sixty-eight of the acts of the year nineteen hundred and ten is hereby amended by striking out the words "the complete data and facts called for by this act", in the last line, and inserting in place thereof the words:— a summary by departments, commissions, bureaus and boards of the total number of officials and employees employed in or by every such department, commission, bureau and board and the total amount paid for services by every such department, commission, bureau and board from the treasury of the commonwealth, and, respectively, the whole number of such officials and employees, and the whole amount paid for services in a grand total; and a summary by every such department, commission, bureau and board of the total number of such officials and employees and the total amount paid for services for the year nineteen hundred and ten, and for each and every year thereafter,— so as to read as follows:— *Section 1.* Every department, commission, bureau or board of the commonwealth, shall, on or before the fifteenth day of July in the year nineteen hundred and ten, and on or before the fifteenth day of July in every year thereafter, prepare and furnish to the governor

1910, 268,
§ 1,
amended.

Lists of
officials and
employees,
etc.

same time have a seat in the senate or house of representatives ; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives ; and the place so vacated shall be filled up.

Incompatible
offices.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council ; or any councillor shall accept of either of those offices or places.

Bribery, etc.,
disqualify.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

Value of money
ascertained.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce ; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the commonwealth shall require.

Property quali-
fications may
be increased.
See amend-
ments, Arts.
XIII. and
XXXIV.

Provisions
respecting
commissions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

Provisions re-
specting writs.
2 Pick. 592.
3 Met. 58.
13 Gray, 74.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts ; they shall be under the seal of the court from whence they issue ; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

Continuation of
former laws,
except, etc.
1 Mass. 59.
2 Mass. 534.
8 Pick. 309, 316.
16 Pick. 107, 115.
2 Met. 118.

VI. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature ; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of
habeas corpus
secured, except,
etc.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner ; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be — “Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.”

The enacting style.

IX. To the end there may be no failure of justice, or danger arise to the commonwealth from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority; until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers, and authority.

Officers of former government continued until, etc.

X. [In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for revising constitution. For existing provision as to amendments, see amendments, Art. IX.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid.

Provision for revising constitution.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for preserving and publishing this constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land ; and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

ARTICLES OF AMENDMENT.

Bill, etc., not approved within five days, not to become a law, if legislature adjourn in the mean time.
3 Mass. 567.
See Const., Ch. I., § 1, Art. II.

ARTICLE I. If any bill or resolve shall be objected to, and not approved by the governor ; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

General court empowered to charter cities.
122 Mass. 354.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants, in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings. Provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose. And provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.
112 Mass. 200.

Qualifications of voters for governor, lieutenant-governor, senators and representatives.
See amendments, Arts. XXX. and XXXII.
11 Pick. 538, 540.
14 Pick. 341.
14 Mass. 367.
5 Met. 162, 298, 591, 594.

ART. III. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, [and who shall have paid, by himself, or his parent, master, or guardian, any state

or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned,] shall have a right to vote in such election of governor, lieutenant-governor, senators, and representatives; and no other person shall be entitled to vote in such election.

7 Gray, 299.
122 Mass. 595,
597.
124 Mass. 596.
For educational
qualification,
see amend-
ments, Art. XX.
For provision
as to those who
have served in
the army or
navy in time
of war, see
amendments,
Arts. XXVIII.
and XXXI.

See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

ART. IV. Notaries public shall be appointed by the governor in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Notaries public,
how appointed
and removed.

[In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

See amend-
ments, Art.
XXXVII.

Vacancies in the
offices of secre-
tary and treas-
urer, how filled.
This clause
superseded by
amendments,
Art. XVII.

Whenever the exigencies of the commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

Commissary-
general may be
appointed, in
case, etc.

All officers commissioned to command in the militia may be removed from office in such manner as the legislature may, by law, prescribe.

Militia officers,
how removed.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Who may vote
for captains and
subalterns.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter on the duties of his office, to wit:—

Oath to be taken
by all officers.
See Const.,
Ch. VI., Art. I.

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

Proviso.
Quakers may
affirm.

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word “swear” and inserting, instead thereof, the word “affirm,” and omitting the words “So help me, God,” and subjoining, instead thereof, the words, “This I do under the pains and penalties of perjury.”

Tests abolished.

ART. VII. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators, or representatives, to qualify them to perform the duties of their respective offices.

Incompatibility
of offices.
122 Mass. 445,
600.
123 Mass. 525.

ART. VIII. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or councillor, or have a seat in the senate or house of representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county attorney, clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this commonwealth, the office of justice of the peace and militia offices excepted.

Amendments to
constitution,
how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed

amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Commencement
of political
year,

and termina-
tion.

[The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

Meetings for the
choice of gov-
ernor, lieuten-
ant-governor,
etc., when to be
held.
This clause
superseded by
amendments,
Art. XV.

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of

Article, when
to go into
operation.

January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators, and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation, pursuant to the foregoing provision.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of God and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made, or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.”

ART. XII. [In order to provide for a representation of the citizens of this commonwealth, founded upon the principles of equality, a census of the ratable polls, in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid; and each town or city having three hundred rata-

Inconsistent provisions annulled.

Religious freedom established. See Dec. of Rights, Art. III.

122 Mass. 40, 41.

Census of ratable polls to be taken in 1837, and decennially thereafter. This article was superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXI. Representatives, how apportioned.

ble polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Fractions, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative, or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

Towns may unite into representative districts.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives, which each city, town, and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years, thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives, which each

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

city, town and representative district may elect as aforesaid ; and when the number of representatives to be elected by each city, town, or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation. Provisions as to census superseded by amendments, Arts. XXI. and XXII.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken, and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter ; which census shall determine the apportionment of senators and representatives for the term of ten years. 122 Mass. 595.

Senatorial districts declared permanent. Provisions as to senators superseded by amendments, Art. XXII.

The several senatorial districts now existing shall be permanent. The senate shall consist of forty members ; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

House of representatives, how apportioned. Provisions as to representatives superseded by amendments, Art. XXI.

The members of the house of representatives shall be apportioned in the following manner : Every town or city containing twelve hundred inhabitants may elect one representative ; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Small towns, how represented.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times within ten years as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled.

Towns may unite into representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years ; and

such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns not entitled to a representative every year is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

Basis of representation, and ratio of increase.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a councillor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the commonwealth.]

Councillors to be chosen from the people at large. Provisions as to councillors superseded by amendments, Art. XVI.

Qualifications of councillors.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Freehold as a qualification for a seat in general court or council not required.

ART. XIV. In all elections of civil officers by the people of this commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect rep-

Time of annual election of governor and legislature.

representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Eight councillors to be chosen by the people. 122 Mass. 595, 598.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next state census shall have been taken, and at its first session after each decennial state census thereafterwards, shall divide the commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. [Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the state, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened.] And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice

Legislature to district state.

Eligibility defined.

Day and manner of election, etc.

Vacancies, how filled. For new provision as to vacancies, see amendments, Art. XXV.

Organization of the government.

shall be by them declared and published ; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor ; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room ; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large ; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this commonwealth five years next preceding his election or appointment.

Election of secretary, treasurer, auditor, and attorney-general by the people.

Vacancies, how filled.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and

School moneys not to be applied for sectarian schools. For original provision as to

schools, see
constitution,
Part First, Art.
III.
12 Allen, 500,
508.
103 Mass. 94, 96.

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ters of probate,
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8 Gray, 1.
13 Gray, 74.

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Proviso.
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fications, see
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amendments,
Art. XXVI.

Census of legal
voters and of
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when taken,
etc. See
P. S. c. 31.

House of repre-
sentatives to
consist of 240
members.
Legislature to
apportion, etc.
10 Gray, 613.

expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, [commissioners of insolvency,] and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

110 Mass. 172, 173.

117 Mass. 602, 603.

121 Mass. 65.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this pur-

pose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth ; and it shall be the duty of the secretary of the commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, — shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county ; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. [Not less than one hundred members of the house of representatives shall constitute a quorum for doing business ; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August. Proceedings.

Qualifications of representatives. 122 Mass. 595, 598.

Districts to be numbered, described and certified.

Quorum, see amendments, Art. XXXIII.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and

Census, etc. See P. S. c. 31.

Voters to be basis of apportionment of senators.

Senate to consist of forty members.

Senatorial districts, etc.

See amendments, Art. XXIV.

Qualifications of senators.

Quorum, see amendments, Art. XXXIII.

Residence of two years required of naturalized citizens, to entitle to suffrage or make eligible to office. This article annulled by Art. XXVI.

Vacancies in the senate.

returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the commonwealth. [Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

ART. XXIII. [No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of the senators elected.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Vacancies in the council.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided*, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third article of amendments annulled.

ART. XXVII. So much of article two of chapter six of the constitution of this commonwealth as relates to persons holding the office of president, professor, or instructor of Harvard College, is hereby annulled.

Provisions of Art. II., Chap. VI., relating to officers of Harvard College, annulled.

ART. XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll tax.

Superseded by Art. XXXI.

ART. XXIX. The general court shall have full power and authority to provide for the inhabitants of the towns in this commonwealth more than one place of public meeting within the limits of each town for the election of officers under the constitution, and to prescribe the manner of calling, holding and conducting such meetings. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Voting precincts in towns.

ART. XXX. No person, otherwise qualified to vote in elections for governor, lieutenant-governor, senators, and representatives, shall, by reason of a change of residence within the commonwealth, be disqualified from voting for said officers in the city or town from which he has removed

Voters not disqualified by reason of change of residence until six months from time of removal.

his residence, until the expiration of six calendar months from the time of such removal.

Amendments,
Art. XXVIII.
amended.

ART. XXXI. Article twenty-eight of the amendments of the constitution is hereby amended by striking out in the fourth line thereof the words “being a pauper”, and inserting in place thereof the words:—receiving or having received aid from any city or town,—and also by striking out in said fourth line the words “if a pauper”, so that the article as amended shall read as follows: ARTICLE XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town, or because of the non-payment of a poll tax.

Person who
served in army
or navy, etc.,
not disqualified
from voting for
non-payment of
poll tax.

Provisions of
amendments,
Art. III., rela-
tive to payment
of a tax as a
voting qualifica-
tion, annulled.

ART. XXXII. So much of article three of the amendments of the constitution of the commonwealth as is contained in the following words: “and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned”, is hereby annulled.

Quorum, in each
branch of the
general court,
to consist of a
majority of
members.

ART. XXXIII. A majority of the members of each branch of the general court shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day, and compel the attendance of absent members. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Provisions of
Art. II., § I.,
Chap. II., Part
II., relative to
property quali-
fication of
governor,
annulled.

ART. XXXIV. So much of article two of section one of chapter two of part the second of the constitution of the commonwealth as is contained in the following words: “and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds”; is hereby annulled.

Provisions of
Art. II., § III.,
Chap. I., rela-
tive to expense
of travelling to
the general
assembly by
members of the
house, annulled.

ART. XXXV. So much of article two of section three of chapter one of the constitution of the commonwealth as is contained in the following words: “The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judg-

ment of the house, and does not depart without leave", is hereby annulled.

ART. XXXVI. So much of article nineteen of the articles of amendment to the constitution of the commonwealth as is contained in the following words: "commissioners of insolvency", is hereby annulled. Amendments, Art. XIX., amended.

ART. XXXVII. The governor, with the consent of the council, may remove justices of the peace and notaries public. Removal of certain officers.

The constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the mean time the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30 and 1830-31, respectively, and was approved and ratified by the people May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people the twenty-third day of May, 1855.

The twentieth, twenty-first, and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859, and was repealed by the twenty-sixth Amendment.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

The twenty-eighth Article was adopted by the legislatures of the political years 1880 and 1881, and was approved and ratified by the people on the eighth day of November, 1881.

The twenty-ninth Article was adopted by the legislatures of the political years 1884 and 1885, and was approved and ratified by the people on the third day of November, 1885.

The thirtieth and thirty-first Articles were adopted by the legislatures of the political years 1889 and 1890, and were approved and ratified by the people on the fourth day of November, 1890.

The thirty-second and thirty-third Articles were adopted by the legislatures of the political years 1890 and 1891, and were approved and ratified by the people on the third day of November, 1891.

The thirty-fourth Article was adopted by the legislatures of the political years 1891 and 1892, and was approved and ratified by the people on the eighth day of November, 1892.

The thirty-fifth Article was adopted by the legislatures of the political years 1892 and 1893, and was approved and ratified by the people on the seventh day of November, 1893.

The thirty-sixth Article was adopted by the legislatures of the political years 1893 and 1894, and was approved and ratified by the people on the sixth day of November, 1894.

The thirty-seventh Article was adopted by the legislatures of the political years 1906 and 1907, and was approved and ratified by the people on the fifth day of November, 1907.

[A proposed Article of Amendment, prohibiting the manufacture and sale of Intoxicating Liquor as a beverage, adopted by the legislatures of the political years 1888 and 1889, was rejected by the people on the twenty-second day of April, 1889.]

[Proposed Articles of Amendment, (1) Establishing biennial elections of state officers, and (2) Establishing biennial elections of members of the General Court, adopted by the legislatures of the political years 1895 and 1896, were rejected by the people at the annual election held on the third day of November, 1896.]

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ACTS AND RESOLVES

OF

MASSACHUSETTS.

1911.

 The General Court of the year nineteen hundred and eleven assembled on Wednesday, the fourth day of January. The oaths of office were taken and subscribed by His Excellency EUGENE N. FOSS and His Honor LOUIS A. FROTHINGHAM, on Thursday, the fifth day of January, in the presence of the two Houses assembled in convention.

ACTS.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION *Chap.* 1
OF THE MEMBERS OF THE GENERAL COURT, FOR THE COM-
PENSATION OF CERTAIN OFFICERS THEREOF, AND FOR
EXPENSES IN CONNECTION THEREWITH.

*Be it enacted by the Senate and House of Representatives in
General Court assembled, and by the authority of the same,
as follows:*

SECTION 1. The sums hereinafter mentioned are appro- Appropriations.
priated, to be paid out of the treasury of the commonwealth
from the ordinary revenue, for the purposes specified, for
the fiscal year ending on the thirtieth day of November,
nineteen hundred and eleven, to wit:—

For the compensation of senators, thirty thousand seven Senators, compensation.
hundred and fifty dollars.

For compensation for travel of senators, a sum not exceed- Travel.
ing thirty-two hundred dollars.

For the compensation of representatives, one hundred Representatives, com-
eighty thousand seven hundred and fifty dollars. pensation.

For compensation for travel of representatives, a sum Travel.
not exceeding nineteen thousand dollars.

For the salaries of the assistant clerks of the senate and Assistant clerks, senate
house of representatives, four thousand dollars. and house.

For the salary of Henry D. Coolidge, clerk of the senate, Clerk of
thirty-five hundred dollars. the senate.

For such additional clerical assistance to the clerk of the Clerical as-
senate as may be necessary for the proper despatch of pub- sistance.
lic business, a sum not exceeding fifteen hundred dollars.

For the salary of James W. Kimball, clerk of the house Clerk of
of representatives, thirty-five hundred dollars. the house.

For such additional clerical assistance to the clerk of the Clerical as-
house of representatives as may be necessary for the proper sistance.
despatch of public business, a sum not exceeding twenty-five
hundred dollars.

For the compensation of the chaplains of the senate and Chaplains.
house of representatives, six hundred dollars.

Doorkeepers,
etc.

For the salaries of the doorkeepers of the senate and house of representatives, and the postmaster, forty-two hundred dollars.

Assistant
doorkeepers,
etc.

For the compensation of assistant doorkeepers, messengers and pages to the senate and house of representatives, a sum not exceeding twenty-nine thousand dollars.

Printing and
binding.

For printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, a sum not exceeding thirty-eight thousand dollars.

Manual.

For printing and binding the manual for the general court, under the direction of the clerks of the senate and house of representatives, a sum not exceeding five thousand dollars.

Senate
stationery.

For stationery for the senate, purchased by the clerk, a sum not exceeding eight hundred dollars.

House
stationery.

For stationery for the house of representatives, purchased by the clerk, a sum not exceeding one thousand dollars.

Contingent
expenses.

For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding six thousand dollars.

Expenses of
committees.

For authorized expenses of committees of the present general court, including clerical assistance to committees authorized to employ the same, a sum not exceeding fifteen thousand dollars.

Advertising
hearings.

For expenses of advertising hearings of the committees of the present general court, including expenses of preparing and mailing the advertisements to the various newspapers, a sum not exceeding ten thousand dollars.

Witness
fees, etc.

For expenses of summoning witnesses, and for fees of such witnesses, a sum not exceeding two hundred dollars.

Publication
of bulletin.

For expenses in connection with the publication of the bulletin of committee hearings, a sum not exceeding forty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 18, 1911.

Chap. 2 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE EXECUTIVE DEPARTMENT OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for salaries and expenses in the executive department, for the fiscal year ending on the

thirtieth day of November, nineteen hundred and eleven, to wit:—

For the salary of the governor, eight thousand dollars.

Governor.
Lieutenant
governor, etc.

For the salary of the lieutenant governor, two thousand dollars; and for salaries of the council, sixty-four hundred dollars.

For travelling expenses of the council, a sum not exceeding one thousand dollars.

Travelling
expenses.

For the salary of the private secretary of the governor, twenty-five hundred dollars.

Private
secretary.

For the salary of the executive secretary, twenty-five hundred dollars.

Executive
secretary.

For the salary of the stenographer, a sum not exceeding eighteen hundred dollars.

Stenog-
rapher.

For the salary of the clerk, a sum not exceeding twelve hundred dollars.

Clerk.

For the salary of the messenger, twelve hundred dollars.

Messenger.

For the salary of the assistant messenger, one thousand dollars.

Assistant
messenger.

For contingent expenses, a sum not exceeding three thousand dollars.

Contingent
expenses.

For postage, printing and stationery, a sum not exceeding twelve hundred dollars.

Postage,
printing, etc.

For travelling and contingent expenses of the governor and council, a sum not exceeding twenty-five hundred dollars.

Travelling
expenses, etc.

For postage, printing and stationery for the council, a sum not exceeding five hundred dollars.

Council
postage, etc.

For the payment of extraordinary expenses, to be expended under the direction of the governor and council, a sum not exceeding one hundred thousand dollars.

Extraordinary
expenses.

For the preparation of tables and indexes relating to the statutes of the present year and previous years, a sum not exceeding five hundred dollars.

Tables and
indexes to
statutes.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding one thousand dollars.

Arrest of
fugitives.

SECTION 2. This act shall take effect upon its passage.

Approved January 18, 1911.

AN ACT TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO BORROW MONEY IN ANTICIPATION OF REVENUE. *Chap. 3*

Be it enacted, etc., as follows:

SECTION 1. The treasurer and receiver general is hereby authorized to borrow at any time during a fiscal year, in

Treasurer
and receiver
general may

borrow money
in anticipa-
tion of
revenue.

Proviso.

anticipation of the receipts of that year, such sums of money as may from time to time be necessary for the payment of ordinary demands on the treasury, at such rates of interest as shall be found necessary; and he shall repay any sums borrowed under this act as soon after said receipts are paid as is expedient: *provided, however*, that all money borrowed under this act shall be repaid before the close of the fiscal year in which the same was borrowed.

SECTION 2. This act shall take effect upon its passage.

Approved January 18, 1911.

Chap. 4 AN ACT TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO BORROW MONEY IN ANTICIPATION OF THE ASSESSMENTS FOR THE METROPOLITAN DISTRICTS.

Be it enacted, etc., as follows:

Treasurer
and receiver
general may
borrow money
in anticipa-
tion of
assessments
for metropoli-
tan districts.

SECTION 1. The treasurer and receiver general is hereby authorized to borrow at any time during a fiscal year, in anticipation of the assessments of that year, for the metropolitan districts, such sums of money as may from time to time be necessary for the payment of the interest and maintenance charges of the metropolitan districts, and to issue notes or bonds therefor, at such rates of interest as shall be found necessary; and he shall repay any sums borrowed under this act as soon after said assessments are paid as is expedient. The treasurer and receiver general is hereby authorized to collect from the cities and towns of said metropolitan districts, proportionately, all interest that may be paid upon money borrowed under this act.

SECTION 2. This act shall take effect upon its passage.

Approved January 18, 1911.

Chap. 5 AN ACT RELATIVE TO THE ISSUING OF METROPOLITAN WATER LOAN BONDS.

Be it enacted, etc., as follows:

Metropolitan
water loan
bonds.

SECTION 1. All bonds hereafter issued under authority of section seventeen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, or of acts in amendment thereof or in addition thereto, may be issued as registered bonds or with interest coupons attached.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved January 19, 1911.

AN ACT RELATIVE TO THE DISEASE OF MANGE.

Chap. 6

Be it enacted, etc., as follows:

SECTION 1. Section twenty-eight of chapter ninety of the Revised Laws is hereby amended by inserting after the word "farcy", in the second line, the word:—mange,—so as to read as follows:—*Section 28.* Contagious diseases, under the provisions of this chapter, shall include glanders, farcy, mange, contagious pleuro-pneumonia, tuberculosis, Texas fever, foot-and-mouth disease, rinderpest, hog cholera, rabies, anthrax or anthracoid diseases, sheep scab and actinomycosis.

R. L. 90, § 28, amended.

Contagious diseases defined.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1911.

AN ACT RELATIVE TO THE LOCATION UPON THE OFFICIAL BALLOTS IN THE CITY OF CAMBRIDGE OF NAMES OF CANDIDATES FOR ALDERMEN.

Chap. 7

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and ninety-three of the acts of the year nineteen hundred and ten is hereby amended by inserting after the word "ballot", in the third line, the words:—for primaries and elections,—and by striking out the words "nominations for aldermen", at the end thereof, and inserting in place thereof the words:—nomination papers for aldermen for primaries and elections,—so as to read as follows:—*Section 1.* The names of candidates for aldermen in the city of Cambridge shall be printed upon the official ballot for primaries and elections in the order in which they may be drawn by the city clerk whose duty it shall be to make such drawing. The city clerk shall, before proceeding to draw the names as aforesaid, give notice in writing to the several candidates of the time and place of the drawing, and every such candidate may be present thereat or may be represented by one person. The said notice shall be mailed, postage prepaid, to each candidate at the residence stated on the nomination papers, at least twenty-four hours before the time fixed for the drawing; and the drawing shall be made not more than forty-eight hours after the last day for filing nomination papers for aldermen for primaries and elections.

1910, 293, § 1, amended.

Order of names of certain candidates upon official ballot, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1911.

Chap. 8 AN ACT RELATIVE TO FEMALE ASSISTANT PROBATION OFFICERS.
Be it enacted, etc., as follows:

R. L. 217,
§ 84,
amended.

Duties of
probation
officers.

Section eighty-four of chapter two hundred and seventeen of the Revised Laws is hereby amended by striking out the words “municipal court of the city of Boston”, in the sixth line, and inserting in place thereof the words:— court under the appointment of which they act, — so as to read as follows:— *Section 84.* Each probation officer shall inquire into the nature of every criminal case brought before the court under the appointment of which he acts, and may recommend that any person convicted thereby be placed upon probation. Female assistant probation officers shall investigate the cases of all women charged with crime in the court under the appointment of which they act and perform such other duties as the justices of said court may require. Each probation officer shall keep full records of all cases investigated by him, of all cases placed in his care by the court, and of any other duties performed by him. The court may place the person so convicted in the care of a probation officer for such time and upon such conditions as may seem proper. The superior court may also place upon probation under any of its probation officers any person charged before it with crime. Each person released upon probation shall be furnished by the probation officer with a written statement of the terms and conditions of his release.

Approved February 6, 1911.

Chap. 9 AN ACT TO MAKE MORE SPECIFIC THE CONTENTS OF LAND
REGISTRATION CERTIFICATES.

Be it enacted, etc., as follows:

R. L. 128,
§ 38,
amended.

Assessment
for better-
ments, etc.

SECTION 1. The fifth article of section thirty-eight of chapter one hundred and twenty-eight of the Revised Laws is hereby amended by inserting after the word “liability”, in the eighteenth line of said section, the words:— except for taxes payable to the commonwealth, — so as to read as follows:— Fifth, Any liability to assessment for betterments, or other statutory liability, except for taxes payable to the commonwealth, which may attach to land in this commonwealth as a lien prior to, or independent of, the recording or registering of any paper; but if there are easements or other rights appurtenant to a parcel of registered

land which for any reason have failed to be registered, such easements or rights shall remain so appurtenant notwithstanding such failure, and shall be held to pass with the land until cut off or extinguished by the registration of the servient estate, or in any other manner.

SECTION 2. This act shall take effect upon its passage and shall apply forthwith to all certificates of title then uncanceled. Time of taking effect.
Approved February 6, 1911.

AN ACT RELATIVE TO THE ABATEMENT OF SMOKE IN BOSTON Chap. 10
AND VICINITY.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter six hundred and fifty-one of the acts of the year nineteen hundred and ten is hereby amended by inserting after the word "as", in the twelfth line, the word: — heretofore, — so that the paragraph hereby amended will read as follows: — 1910, 651,
§ 1,
amended.

"Chart" means Ringelmann's Smoke Chart as heretofore published and used by the United States Geological Survey. Ringelmann's
Smoke Chart.

SECTION 2. This act shall take effect upon its passage.
Approved February 6, 1911.

AN ACT RELATIVE TO THE BUILDING OF A STRUCTURE Chap. 11
OVER FREMONT STREET IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. Upon petition and after seven days' public notice, published in at least three newspapers published in the city of Worcester, and a public hearing thereon, the board of aldermen of the city of Worcester may, by a two thirds vote, with the approval of the mayor, issue a permit to the Worcester Bleach and Dye Works Company of Worcester to build and maintain a bridge across Fremont street in said city, for the purpose of connecting buildings occupied by it on opposite sides of the street, on such conditions and subject to such restrictions as the said board may prescribe. Any permit so issued may be revoked by vote of the board of aldermen, approved by the mayor. Building of
a structure
over Fremont
street in the
city of
Worcester.

SECTION 2. Any bridge built under a permit granted as aforesaid shall be constructed and maintained at a height not less than eighteen feet above the grade line of the street and shall be not more than twelve feet in width, and no Height of
structure.

part of said bridge or of its support shall rest on the surface of the street.

Damages.

SECTION 3. Any person whose property is damaged by reason of the construction of a bridge as aforesaid may have the damages determined by a jury upon petition to the superior court filed within one year after the permit was approved by the mayor, as above provided.

SECTION 4. This act shall take effect upon its passage.

Approved February 9, 1911.

Chap. 12 AN ACT TO AUTHORIZE THE TRUSTEES OF THAYER ACADEMY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

Trustees of
Thayer
Academy to
hold addi-
tional estate.

SECTION 1. The corporation known as the Trustees of Thayer Academy is hereby authorized, for the purposes set forth in its act of incorporation, to hold real and personal estate to an amount which, together with the amounts heretofore authorized by law, shall not exceed one million dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1911.

Chap. 13 AN ACT TO AUTHORIZE THE TRUSTEES OF THE HOUSE OF THE ANGEL GUARDIAN TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

Trustees of
the House of
the Angel
Guardian to
hold additional
estate.

SECTION 1. The corporation known as the Trustees of the House of the Angel Guardian is hereby authorized to hold real and personal estate to an amount, including that now held by said corporation, not exceeding four hundred thousand dollars, which property and the income derived therefrom shall be devoted to the purposes set forth in the charter of the corporation.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1911.

Chap. 14 AN ACT TO EXTEND THE CHARTER OF THE WAKEFIELD REAL ESTATE AND BUILDING ASSOCIATION.

Be it enacted, etc., as follows:

Charter of
the Wakefield
Real Estate

SECTION 1. The Wakefield Real Estate and Building Association, incorporated by chapter one hundred and

twenty of the acts of the year eighteen hundred and seventy-one, shall be and remain a corporation for a further term of twenty years from the twenty-second day of March, nineteen hundred and eleven, and shall during such further term have the powers and privileges and be subject to the duties, liabilities and restrictions set forth in its charter and in the general laws now or hereafter in force relating to such corporations.

and Building
Association
extended.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1911.

AN ACT TO AUTHORIZE THE PROPRIETORS OF THE HINGHAM CEMETERY TO TAKE AND HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 15

Be it enacted, etc., as follows:

SECTION 1. The Proprietors of the Hingham Cemetery are hereby authorized to take and hold for the purposes for which they were incorporated real estate, including what they are now authorized to hold, to an amount not exceeding fifty acres and personal estate to an amount not exceeding one hundred thousand dollars.

Proprietors
of Hingham
Cemetery
may hold
additional
estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1911.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A POLICE COMMISSIONER OF THE CITY OF MALDEN.

Chap. 16

Be it enacted, etc., as follows:

SECTION 1. The mayor and aldermen of the city of Malden shall, within sixty days after the acceptance of this act, as hereinafter provided, appoint one person to be police commissioner, whose term of office shall expire on the first day of March in the year nineteen hundred and fifteen, and shall thereafter, in the month of January or February in the year nineteen hundred and fifteen, and in every third year thereafter, appoint one person as police commissioner, whose term of office shall be three years from the first day of March next succeeding his appointment. A police commissioner appointed under this act shall hold office until his successor is chosen and qualified, but he may be removed by the mayor and aldermen at any time for cause. Any vacancy may be filled by the mayor and alder-

Appointment
of a police
commissioner
of the city of
Malden.

men at any time. The police commissioner shall receive such compensation as may be fixed by the city council.

May appoint
and organize
the police.

SECTION 2. The police commissioner shall have authority to appoint, establish and organize the police of said city and to make all needful rules and regulations for its efficiency. Except as otherwise provided herein, all the powers and duties now conferred or imposed by law upon the mayor and aldermen of said city or upon the chief of police or city marshal relative to the appointment, pay, discipline, management, control, removal and retirement upon pension of the police of said city, are hereby conferred and imposed upon said police commissioner. He shall have the care of the police station, shall have the care and custody of all property of the city used by the police department, and shall keep a record of all its business. He shall have such other powers and perform such other duties, not inconsistent with law, as the city council may from time to time by ordinance prescribe.

Acting com-
missioner.

SECTION 3. In case of the absence or disability of the police commissioner, the next ranking officer, or, where there are two such officers of equal rank, the senior officer in date of appointment, shall be acting commissioner while such absence or disability continues. An acting police commissioner shall receive no extra compensation for services as such.

Present mem-
bers of police
force to con-
tinue in office
until, etc.

SECTION 4. The members of the Malden police force, including reserve police officers, in office when the said commissioner is first appointed shall continue to hold their several offices until removed or retired from active service by the police commissioner in accordance with law; and the present rules and regulations shall continue in force until otherwise ordered by the police commissioner. All police officers now in office or appointed by the police commissioner shall have and exercise within the limits of said city all the powers conferred by law upon constables, except in relation to the service of civil process, and all the powers conferred upon the police as watchmen.

Number of
patrolmen
not to be in-
creased, etc.

SECTION 5. Except as authorized by the city council of the city, said commissioner shall not increase the number of patrolmen; nor shall the pay of the members of the police force be increased or diminished, except by the concurrent action of the city council, mayor and police commissioner.

Report.

SECTION 6. The police commissioner shall annually in the month of January make a report to the city council;

and his records shall at all times be open to the inspection of the mayor and city council.

SECTION 7. Whenever an appointment is to be made pursuant to the provisions of this act, the mayor shall have the exclusive power of nomination, subject to confirmation or rejection by the board of aldermen.

Mayor to have power of nomination.

SECTION 8. All existing acts and parts of acts inconsistent herewith shall not hereafter apply to the city of Malden.

Certain acts not to apply.

SECTION 9. This act shall be submitted to the voters of the city of Malden at the annual state election in November, nineteen hundred and eleven, and the form of the question to be placed upon the ballot shall be as follows: — Shall chapter of the acts of the year nineteen hundred and eleven, being "An Act to provide for the appointment of a police commissioner of the city of Malden", be accepted? and if a majority of the voters voting thereon vote in the affirmative this act shall take effect.

Acceptance of act to be submitted to voters.

SECTION 10. So much of this act as authorizes its submission to the voters of the city shall take effect upon its passage, but it shall not further take effect until accepted by the voters of the city as herein provided.

Time of taking effect.

Approved February 9, 1911.

AN ACT TO AUTHORIZE THE CITY OF MALDEN TO PAY AN ANNUITY TO THE WIDOW OF MICHAEL S. MURPHY. Chap. 17

Be it enacted, etc., as follows:

SECTION 1. The city of Malden is hereby authorized to pay to Julia Murphy, widow of Michael S. Murphy, deceased, late a member of the fire department of that city, who died by reason of injuries received in the discharge of his duty, a sum not exceeding twenty-five dollars per month for a period of six years: *provided*, that any payments made hereunder shall cease upon the remarriage of said Julia Murphy.

The city of Malden may pay an annuity to Julia Murphy.

Proviso.

SECTION 2. This act shall be submitted to the city council of said city and shall take effect upon its acceptance by a two thirds vote of the members present and voting in each branch and upon the approval of the mayor.

To be submitted to the city council for acceptance.

SECTION 3. So much of this act as authorizes its submission to the city council shall take effect upon its passage, but it shall not further take effect until accepted by the city council as herein provided. *Approved February 9, 1911.*

Time of taking effect.

Chap. 18 AN ACT TO PREVENT THE EXTERMINATION OF THE HEATH
HEN, SO-CALLED.

Be it enacted, etc., as follows:

1906, 141,
§ 1,
amended.

Taking, etc.,
of the heath
hen pro-
hibited.

SECTION 1. Section one of chapter one hundred and forty-one of the acts of the year nineteen hundred and six is hereby amended by striking out the word "eleven", at the end of said section, and inserting in place thereof the word: — sixteen, — so as to read as follows: — *Section 1.* It shall be unlawful to hunt, take or kill that species of pin-nated grouse commonly called heath hen, and scientifically known as *Tympanuchus cupido*, or to buy, sell, otherwise dispose of, or have in possession the same or any part thereof, previous to the first day of November in the year nineteen hundred and sixteen.

Repeal.

SECTION 2. So much of section four of chapter ninety-two of the Revised Laws as is inconsistent herewith is hereby repealed.

Penalty.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine of one hundred dollars for each bird or part thereof in respect to which the violation occurs.

Approved February 9, 1911.

Chap. 19 AN ACT FOR THE PROTECTION OF GRAY, EUROPEAN OR
HUNGARIAN PARTRIDGE.

Be it enacted, etc., as follows:

Protection
of certain
birds.

SECTION 1. It shall be unlawful to hunt, pursue, take or kill, sell or offer for sale, or to have in possession, the bird known as *Perdix cinerea*, commonly called Hungarian partridge, gray or European partridge, except as hereinafter provided.

Commission-
ers on fish
and game
may grant
permits to
rear certain
birds, etc.

SECTION 2. Upon application to the commissioners on fisheries and game written permission may be granted to any person to engage in the rearing of this bird, and to dispose of the same under such rules and regulations, approved by the governor and council, as may be made from time to time by the commissioners. Such artificially propagated birds, Hungarian partridge, gray or European partridge, may be sold or had in possession at any season of the year for purposes of propagation.

SECTION 3. Whoever violates any provision of this act, or any rule or regulation made as aforesaid, shall be punished by a fine not exceeding fifty dollars for each bird or part thereof in respect to which the violation occurs. Penalty.

Approved February 9, 1911.

AN ACT TO AUTHORIZE THE TOWN OF EASTHAMPTON TO ESTABLISH A BOARD OF PUBLIC WORKS. Chap. 20

Be it enacted, etc., as follows:

SECTION 1. The town of Easthampton shall, at its next annual meeting after the acceptance of this act, elect by ballot a board of public works, consisting of three members. The town of Easthampton may elect a board of public works.

SECTION 2. At the meeting at which this act is accepted, or at a meeting held at least fourteen days before the annual meeting at which this act is to become operative, the town shall vote to elect the members of said board of public works either annually for the term of one year, or one for the term of one year, one for the term of two years, one for the term of three years, and annually thereafter one for the term of three years. Terms of members, etc.

SECTION 3. The provisions of statute law relating to the oath of office, entering upon the performance of duties, tenure of office, change in the term of office, failure in election, and vacancies in the office of selectmen are hereby made applicable to the members of said board of public works; and they shall receive such compensation for their services as the town may determine. Certain provisions of law to apply.

SECTION 4. Upon the election of said board of public works all the powers, rights, duties and liabilities of the boards of water commissioners and sewer commissioners and of the highway surveyor in said town shall be transferred to the board of public works; and the boards of water commissioners and sewer commissioners and the office of highway surveyor shall be abolished. No existing contracts or liabilities shall be affected thereby, but the board hereby created shall in all respects, and for all purposes whatsoever, be the lawful successors of said boards of water commissioners and sewer commissioners and of the highway surveyor. Power and duties of certain other boards transferred to the board hereby created.

SECTION 5. Upon the election of said board of public works all the powers, rights, duties and liabilities of the Same subject.

selectmen in said town now existing or hereafter created by law, relating to highways, town ways, the laying out and discontinuance of ways, bridges, sidewalks, guide posts, monuments at the termini and angles of roads, public squares, playgrounds, shade trees, sewers, drains, street watering, street lighting, the assessment of damages and betterments, water pipes, gas pipes, conduits, poles, wires, street railways, the granting of locations, rights or licenses for structures upon private land, or upon, under or over highways or other ways, shall be exercised, enjoyed, performed and incurred by a board consisting of the selectmen, the board of public works created by this act, and the chairman of the board of assessors, ex officio, sitting jointly as the board of survey.

Appointment of
a civil en-
gineer, etc.

SECTION 6. Said board of public works shall annually, in the month of March, appoint a competent civil engineer, who shall perform such duties as may be required of him by said board. He shall hold office at the pleasure of said board, and the said board shall fix his compensation, which shall be subject to alteration by the town. The said board of public works shall have authority to appoint such superintendents and subordinate officers as it shall deem necessary, and to establish their terms of office. No member of the board of public works shall be eligible for appointment as such superintendent. The board of public works shall, subject to alteration by the town, have authority to fix the compensation of said superintendents and subordinate officers, and shall also have authority to employ and discharge such laborers and other persons as, in its opinion, may be necessary to carry out the work devolving upon the board.

Repeal.

SECTION 7. Section nine of chapter two hundred and fifty-two of the acts of the year eighteen hundred and ninety-one, and section two of chapter seventy-one of the acts of the year eighteen hundred and ninety-three, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

Time of
taking effect.

SECTION 8. This act shall take effect upon its acceptance by a majority of the voters of the said town, present and voting thereon at any annual meeting or at any special meeting called for the purpose within three years after its passage; but the number of such meetings shall not exceed three in any one year. At such meetings the votes shall be taken by written or printed ballots and the polls shall

be kept open at least four hours. In receiving the ballots, the check list shall be used in the manner in which it is used at elections of national, state and county officers.

Approved February 9, 1911.

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO USE CERTAIN FUNDS FOR EXTENDING THE SOUTH METROPOLITAN SEWER TO THE TOWN OF BRAINTREE.

Chap. 21

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board is hereby authorized to expend any balance of the proceeds of the bonds already issued on account of the Metropolitan Sewerage Loan Fund, which may be in excess of the amount required for satisfying the purposes for which such bonds were issued, to meet any expenses which may be incurred under the provisions of chapter five hundred and forty-six of the acts of the year nineteen hundred and ten to provide for the addition of the town of Braintree to the south metropolitan sewerage district.

Extension of the south metropolitan sewer to the town of Braintree.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1911.

AN ACT TO AUTHORIZE THE THIRD CONGREGATIONAL SOCIETY IN CAMBRIDGE TO CONVEY CERTAIN PROPERTY.

Chap. 22

Be it enacted, etc., as follows:

SECTION 1. The Third Congregational Society in Cambridge, by the standing committee of said society or a majority of them, is authorized to convey to such person or persons as the society at a regularly called meeting may designate, all that certain parcel of real estate with the church and other buildings thereon situate, bounded and described as follows: — Southwesterly by Austin street, in the city of Cambridge, one hundred and eight feet; northwesterly by land formerly of Bangs, one hundred and twenty-one feet; northeasterly by land of persons unknown, one hundred and eight feet; southeasterly by land formerly of Muzzey, one hundred and twenty-five feet; or however otherwise the said church property may be bounded or described. Said conveyance shall be made in such form as the said society may deem expedient, and the title shall

The Third Congregational Society in Cambridge may convey certain property.

be conveyed free of any trust, ecclesiastical or otherwise, that may have hitherto existed. The purchaser of said property is hereby exempted from any responsibility for the application of the purchase money by the said society. The proceeds of the said conveyance shall be devoted to the improvement and maintenance of the church property.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1911.

Chap. 23 AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE BALLOT LAW COMMISSION.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the ballot law commission, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit:—

Ballot law commission.

For the compensation of the commissioners, a sum not exceeding fifteen hundred dollars.

Expenses.

For expenses, a sum not exceeding one hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1911.

Chap. 24 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE ATTORNEY-GENERAL.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the attorney-general's department, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit:—

Attorney-general.

For the salary of the attorney-general, five thousand dollars.

Assistants, etc.

For the compensation of assistants in his office, and for such additional legal assistance as may be deemed necessary, and also for any other necessary expenses, a sum not exceeding forty-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1911.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE CONTROLLER OF COUNTY ACCOUNTS. Chap. 25

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the office of the controller of county accounts, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit:—

For the salary of the controller, twenty-five hundred dollars. Appropriations.
Controller of county accounts.

For the salary of the first deputy, eighteen hundred dollars. First deputy.

For the salary of the second deputy, fifteen hundred dollars. Second deputy.

For the salary of the third deputy, twelve hundred dollars. Third deputy.

For travelling and office expenses of the controller and of his deputies, including the printing and binding of the annual report, a sum not exceeding eighteen hundred dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.
Approved February 11, 1911.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE TREASURER AND RECEIVER GENERAL. Chap. 26

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the department of the treasurer and receiver general, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit:—

For the salary of the treasurer and receiver general, five thousand dollars. Appropriations.
Treasurer and receiver general.

For the salary of the first clerk, twenty-six hundred dollars. First clerk.

For the salary of the second clerk, twenty-one hundred dollars. Second clerk.

Third clerk.	For the salary of the third clerk, eighteen hundred dollars.
Receiving teller.	For the salary of the receiving teller, eighteen hundred dollars.
Paying teller.	For the salary of the paying teller, eighteen hundred dollars.
Assistant paying teller.	For the salary of the assistant paying teller, twelve hundred dollars.
Cashier.	For the salary of the cashier, twenty-two hundred dollars.
Assistant bookkeeper.	For the salary of the assistant bookkeeper, fifteen hundred dollars.
Fund clerk.	For the salary of the fund clerk, fifteen hundred dollars.
Additional clerk, etc.	For the salary of an additional clerk and bank messenger, fifteen hundred dollars.
Record clerk.	For the salary of the record clerk, one thousand dollars.
Stenographer.	For the salary of the stenographer, nine hundred dollars.
Messenger.	For the salary of the messenger, one thousand dollars.
Clerical assistance.	For such additional clerical assistance as may be necessary for the despatch of public business, a sum not exceeding thirty-five hundred dollars.
Expenses.	For incidental and contingent expenses, a sum not exceeding five thousand dollars.
Additional expenses.	For such expenses as the treasurer and receiver general may find necessary in carrying out the provisions of the act imposing a tax on collateral legacies and successions, a sum not exceeding six thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1911.

Chap. 27 AN ACT RELATIVE TO THE ISSUING OF WATER BONDS BY THE TOWN OF WEST BRIDGEWATER.

Be it enacted, etc., as follows:

1910, 138,
§ 5,
amended.

Town of
West Bridge-
water Water
Loan, Act
of 1910.

Section five of chapter one hundred and thirty-eight of the acts of the year nineteen hundred and ten is hereby amended by striking out the word "twenty", in the fourth line, and inserting in place thereof the word: — forty, — so as to read as follows: — *Section 5.* Said town, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from

time to time bonds, notes or scrip to an amount not exceeding forty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of West Bridge-water Water Loan, Act of 1910; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest payable semi-annually at a rate not exceeding five per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that the securities shall not be sold for less than the par value thereof. Proviso.

Approved February 11, 1911.

AN ACT TO AUTHORIZE THE TOWN OF NATICK TO APPROPRIATE MONEY FOR REMOVING OBSTRUCTIONS FROM CHARLES RIVER. Chap. 28

Be it enacted, etc., as follows:

SECTION 1. The town of Natick may appropriate a sum of money not exceeding one thousand dollars for the purpose of removing obstructions from Charles river within the limits of said town. Removal of obstructions from Charles river.

SECTION 2. This act shall take effect upon its passage.

Approved February 11, 1911.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE AUDITOR OF THE COMMONWEALTH. Chap. 29

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the auditor's department, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: — Appropriations.

For the salary of the auditor, five thousand dollars. Auditor.

For the salary of the deputy auditor, thirty-five hundred dollars. Deputy.

For the salary of the supervisor of accounts, twenty-five hundred dollars. Supervisor of accounts.

First clerk.	For the salary of the first clerk, twenty-five hundred dollars.
Second clerk.	For the salary of the second clerk, twenty-two hundred dollars.
Additional clerks, etc.	For additional clerks, examiners and stenographers, a sum not exceeding fourteen thousand dollars.
Messenger.	For the salary of the messenger, nine hundred dollars.
Printing expert.	For the salary of the state printing expert, a sum not exceeding fifteen hundred dollars.
Expenses.	For incidental and contingent expenses, a sum not exceeding twenty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1911.

Chap. 30 AN ACT TO PROHIBIT THE SALE OR DELIVERY TO HOSPITAL PATIENTS OF INTOXICATING LIQUORS AND NARCOTIC DRUGS EXCEPT BY DIRECTION OF A PHYSICIAN.

Be it enacted, etc., as follows:

Sale or delivery of liquor, etc., to patients in certain hospitals forbidden, etc.

Whoever, except under the direction of a physician, gives, sells or delivers spirituous or intoxicating liquor or a narcotic drug to a patient in any hospital who is suffering from inebriety or from the effect of inebriety, or from excessive use of narcotic drugs or from the effect of the excessive use of narcotic drugs, and whoever has in his possession within the precincts of any hospital any such liquor or drug with intent to convey or deliver it to any such patient, except under direction as aforesaid, shall be punished by a fine of not more than fifty dollars or by imprisonment of not more than two months.

Approved February 15, 1911.

Chap. 31 AN ACT RELATIVE TO THE RECOVERY OF DAMAGES FOR CONSCIOUS SUFFERING RESULTING IN DEATH.

Be it enacted, etc., as follows:

Recovery of damages in certain cases of injuries received, etc.

SECTION 1. In any action brought under the provisions of section two of chapter one hundred and seventy-one of the Revised Laws, as amended by section one of chapter three hundred and seventy-five of the acts of the year nineteen hundred and seven, damages may be recovered, under a separate count at common law, for conscious suffering resulting from the same injury; but any sum so recovered

shall be held and disposed of by the executor or administrator as assets of the estate of the deceased.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE CIVIL SERVICE COMMISSIONERS. *Chap. 32*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the civil service commissioners, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit:—

Appropriations.

For the salaries of the commissioners, sixty-five hundred dollars.

Civil service commissioners.

For the salary of the chief examiner, three thousand dollars.

Chief examiner.

For the salary of the deputy examiner, a sum not exceeding twenty-five hundred dollars.

Deputy examiner.

For the salary of the secretary, three thousand dollars.

Secretary.

For the salary of the physical inspector, a sum not exceeding twenty-five hundred dollars.

Physical inspector.

For the salary of the registrar of labor, two thousand dollars.

Registrar of labor.

For clerical assistance and for office, printing, travelling and incidental expenses, advertising and stationery, including the printing and binding of the annual report, a sum not exceeding thirty-one thousand nine hundred dollars.

Clerical assistance, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1911.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE SECRETARY OF THE COMMONWEALTH. *Chap. 33*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the department of the secretary of the commonwealth, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit:—

Appropriations.

Secretary.	For the salary of the secretary of the commonwealth, five thousand dollars.
First deputy.	For the salary of the first deputy, twenty-five hundred dollars.
Second deputy.	For the salary of Herbert H. Boynton, deputy, three thousand dollars.
Corporation clerk.	For the salary of the present corporation clerk, two thousand dollars.
Chief of archives.	For the salary of the chief of the archives division, two thousand dollars.
Engrossing clerk.	For the salary of the present engrossing clerk, sixteen hundred dollars.
Cashier.	For the salary of the cashier, a sum not exceeding twelve hundred dollars.
Clerical assistance, etc.	For messengers and additional clerical assistance, a sum not exceeding twenty-four thousand dollars.
Expenses.	For incidental and contingent expenses, a sum not exceeding forty-five hundred dollars.
Preservation of records, etc.	For the arrangement and preservation of state records and papers, a sum not exceeding two thousand dollars.
Postage, etc.	For postage and expressage on documents, and for printing and mailing copies of bills and resolves to certain state, city and town officials, a sum not exceeding fifty-five hundred dollars.
Ballot boxes, etc.	For furnishing cities and towns with ballot boxes and for repairs to the same, a sum not exceeding one thousand dollars.
Counting apparatus.	For the purchase of apparatus to be used at polling places in the canvass and count of votes, a sum not exceeding two hundred and fifty dollars.
Regimental histories.	For the purchase of histories of regiments, batteries and other military organizations of the Massachusetts volunteers who served in the civil war, a sum not exceeding two thousand dollars.
Town records of births, etc.	For the preservation of town records of births, marriages and deaths previous to the year eighteen hundred and fifty, a sum not exceeding fifteen thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE STATE BOARD OF CONCILIATION AND ARBITRATION. Chap. 34

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the state board of conciliation and arbitration, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit:—

Appropriations, board of conciliation, etc.

For the salaries of the members, seventy-five hundred dollars.

Salaries of members.

For the salary of the secretary, fifteen hundred dollars.

Secretary.

For travelling, incidental and contingent expenses, including the printing and binding of the annual report and the compensation of expert assistants, a sum not exceeding fifteen thousand dollars.

Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1911.

AN ACT RELATIVE TO PROBATION OFFICERS.

Chap. 35

Be it enacted, etc., as follows:

SECTION 1. Section forty-eight of chapter twenty-one of the Revised Laws is hereby amended by inserting after the word "schools", in the eighth line, the words:— and also probation officers, — so as to read as follows:— *Section 48.* He or his deputy shall also visit, at least once a year without previous notice, all other county officers who receive money payable by them to the county treasurer, clerks of the supreme judicial court and the superior court in the county of Suffolk, the recorder and all assistant recorders of the court of land registration, registers of probate and insolvency, registers of deeds, trial justices and clerks of police, district and municipal courts, and justices of such courts having no clerk, and truant schools, and also probation officers, and shall make an examination of their accounts and vouchers and the items of receipts and expenditures. He shall ascertain the actual amount of money on hand in each of said departments or with any of said officers. He shall require, so far as possible, uniformity and correctness in the method of keeping said

R. L. 21, § 48, amended.

Visitations and examinations by the controller of county accounts, etc.

accounts, and may prescribe the classification of receipts and expenditures and a uniform system of receipts, certificates, vouchers and exhibits. Said officers and persons shall afford to the controller and his deputies such assistance as he may require in making such examination and shall make returns and exhibits under oath in such form and at such times as he shall prescribe. They shall also keep an accurate account of all money charged or received by them in their official capacities, and also of all expenditures made or liabilities incurred by them on account of the same, and shall annually, on or before the fifteenth day of January, make a return under oath to said controller of such receipts and expenditures for the preceding year.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1911.

Chap. 36 AN ACT RELATIVE TO REGISTERS OF PROBATE AND INSOLVENCY AND REGISTERS OF DEEDS.

Be it enacted, etc., as follows:

R. L. 21, § 22,
amended.

SECTION 1. Section twenty-two of chapter twenty-one of the Revised Laws is hereby amended by inserting after the word "correction", in the third line, the words:— registers of probate and insolvency and registers of deeds, — and by adding at the end thereof the words:— except in the case of registers of probate and insolvency, in which case the interest shall be paid to the commonwealth, — so as to read as follows:— *Section 22.* County treasurers, clerks of the courts, clerks of police, district and municipal courts, justices of courts having no clerk, sheriffs and masters of jails and houses of correction, registers of probate and insolvency and registers of deeds, having more money in their hands than is required for immediate use, shall deposit it, in their official names, in national banks or trust companies in this commonwealth at the best practicable rates of interest, which interest shall be paid into the county treasury, except in the case of registers of probate and insolvency, in which case the interest shall be paid to the commonwealth.

Surplus cash
to be de-
posited, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1911.

AN ACT RELATIVE TO MOTOR VEHICLES AND TO THE OPERATION THEREOF. *Chap. 37*

Be it enacted, etc., as follows:

Section twelve of chapter five hundred and thirty-four of the acts of the year nineteen hundred and nine is hereby amended by adding at the end thereof the following:—
No person shall allow a motor vehicle owned by him or under his control to be operated by any person who has no legal right to do so, or in violation of the provisions of this act, — so as to read as follows:— *Section 12.* No person shall employ for hire as a chauffeur or operator of a motor vehicle any person not specially licensed as aforesaid. No person shall allow a motor vehicle owned by him or under his control to be operated by any person who has no legal right to do so, or in violation of the provisions of this act.
Approved February 15, 1911.

1909, 534,
§ 12,
amended.

Chauffeur to
be licensed,
etc.

AN ACT TO AUTHORIZE THE MASSACHUSETTS HIGHWAY COMMISSION TO DESTROY CERTAIN WORTHLESS PAPERS. *Chap. 38*

Be it enacted, etc., as follows:

SECTION 1. The Massachusetts highway commission is hereby authorized to destroy, from time to time, in its discretion, applications for licenses to operate motor vehicles and for the registration thereof and copies of the licenses to operate and certificates of registration of motor vehicles issued by it, excepting those of the current year and the year next preceding. It may destroy, or cause to be disposed of, any obsolete number plates and forms which it may have in connection with its automobile department and which, in the opinion of said commission, are no longer of any value to the commonwealth. It may also, in its discretion, destroy or cause to be destroyed, examination papers or the answers given by the applicants for licenses when the same have become of no value or when the licenses applied for have been granted.

Certain
worthless
papers to be
destroyed.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved February 15, 1911.*

Repeal.

Chap. 39 AN ACT RELATIVE TO THE PROTECTION OF WOOD OR SUMMER DUCK.

Be it enacted, etc., as follows:

1906, 274,
§ 1,
amended.

Protection of
certain birds.

Section one of chapter two hundred and seventy-four of the acts of the year nineteen hundred and six is hereby amended by striking out the word "eleven", in the second line, and inserting in place thereof the word: — sixteen, — so as to read as follows: — *Section 1.* It shall be unlawful, prior to the first day of September in the year nineteen hundred and sixteen, to hunt, capture, wound or kill a wood or summer duck. *Approved February 15, 1911.*

Chap. 40 AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

Brockton
Water Loan,
1911.

SECTION 1. The city of Brockton, for the purposes named in chapter one hundred and twenty-four of the acts of the year eighteen hundred and seventy-eight, and also for the purpose of constructing such storage reservoir or reservoirs for its water department, as it shall deem necessary within its limits or in the adjoining town of Avon, may issue from time to time bonds, notes or scrip to an amount not exceeding two hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued by said city for water works purposes; and the same shall not be reckoned in determining the statutory limit of indebtedness of the city. Such bonds, notes or scrip shall bear on their face the words, Brockton Water Loan, 1911, shall be payable at the expiration of periods not exceeding thirty years from their dates of issue; shall bear interest payable semi-annually at a rate not exceeding four and one half per cent per annum, and shall be signed by the treasurer of the city and countersigned by the mayor. The city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than their par value; and *provided, further*, that no part of the proceeds of the sale of said bonds, notes or scrip shall be used in payment of running expenses.

Provisos.

SECTION 2. The city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of any of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said city, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of the city annually thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished.

Payment of loan.

SECTION 3. This act shall take effect upon its acceptance by the city council of said city.

Approved February 15, 1911.

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO CONSTRUCT A STORAGE RESERVOIR FOR ITS WATER DEPARTMENT WITHIN ITS LIMITS OR IN THE ADJOINING TOWN OF AVON.

Chap. 41

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton, for the purpose of improving its water supply system by the construction of a storage reservoir or reservoirs, may take, or acquire by purchase or otherwise, and hold all lands, rights of way and easements necessary for the purpose, situated in the city of Brockton or in the adjoining town of Avon.

The city of Brockton may construct a storage reservoir.

SECTION 2. Said city may erect on the land thus acquired reservoirs, filter basins, buildings, fixtures and other structures, and may establish all necessary conduits, pipes and other suitable structures for delivering water to said city, and may construct and lay down aqueducts, conduits, pipes and other works in, under, through or over any lands, water courses or public or private ways, within the limits of said city, or from said city within the limits of said town to its storage reservoir. For the purpose of constructing, maintaining and repairing such conduits, pipes and other works should the said storage reservoir be located in said town, said city may dig up any lands, and, under the direction

May erect other structures for the delivery of water, etc.

of the board of selectmen of the said town, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon, and shall restore and keep in repair such ways when they have been dug up, to the satisfaction of the selectmen of the said town.

Description
of land, etc.,
taken to be
recorded.

SECTION 3. Said city shall, within sixty days after the taking of any lands, rights of way or easements under this act, file and cause to be recorded in the registry of deeds for the county within which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners of the city.

Damages.

SECTION 4. Said city shall pay all damages sustained by any person, corporation or town, by the taking of any land, right of way or easement, or by any other thing done by the city under the authority of this act. Any person, corporation or town sustaining damages as aforesaid, and failing to agree with said city as to the amount thereof, may have them determined in the manner provided by law when land is taken for laying out highways, on application at any time within two years after the taking of any such land or other property, or after the doing of any other injury under authority of this act; but no such application shall be entertained after the expiration of two years from such taking.

Penalty for
destruction
of property,
etc.

SECTION 5. If any person shall destroy or injure any dam, reservoir, aqueduct, pipe, conduit, hydrant, machinery or other property held, owned or used by said city under the authority of this act, he shall forfeit and pay to the city three times the amount of damages assessed therefor, to be recovered in an action of tort; and, on conviction of any of the wanton or malicious acts aforesaid, may be punished by a fine not exceeding three hundred dollars or by imprisonment in a jail or house of correction for a term not exceeding one year.

SECTION 6. This act shall take effect upon its passage.

Approved February 15, 1911.

Chap. 42 AN ACT TO AUTHORIZE THE TOWN OF CHESHIRE TO REFUND
CERTAIN NOTES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of paying certain outstanding notes amounting to eleven thousand two hundred and

The town of
Cheshire
may refund
certain notes.

forty dollars, the town of Cheshire is hereby authorized to borrow the said sum and to issue notes therefor. One of the said notes shall be payable in each year after the said loan is made, and the amount of the first nine notes so issued shall be eleven hundred dollars each, and the amount of the tenth note shall be thirteen hundred and forty dollars. The said notes shall be signed by the treasurer and countersigned by the selectmen of the town, and shall bear interest at a rate not exceeding four and one half per cent per annum. The money required to pay the interest on said notes in each year and that part of the principal which becomes due in that year shall be raised by taxation in the manner in which the other expenses of the town are provided for.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1911.

AN ACT RELATIVE TO THE ANNUAL PREPARATION AND PRINTING OF A LIST OF STATE OFFICIALS AND THEIR EMPLOYEES WITH THEIR SALARIES OR COMPENSATION.

Chap. 43

Be it enacted. etc., as follows:

SECTION 1. Section one of chapter two hundred and sixty-eight of the acts of the year nineteen hundred and ten is hereby amended by striking out the words "the complete data and facts called for by this act", in the last line, and inserting in place thereof the words: — a summary by departments, commissions, bureaus and boards of the total number of officials and employees employed in or by every such department, commission, bureau and board and the total amount paid for services by every such department, commission, bureau and board from the treasury of the commonwealth, and, respectively, the whole number of such officials and employees, and the whole amount paid for services in a grand total; and a summary by every such department, commission, bureau and board of the total number of such officials and employees and the total amount paid for services for the year nineteen hundred and ten, and for each and every year thereafter, — so as to read as follows: — *Section 1.* Every department, commission, bureau or board of the commonwealth, shall, on or before the fifteenth day of July in the year nineteen hundred and ten, and on or before the fifteenth day of July in every year thereafter, prepare and furnish to the governor

1910, 268,
§ 1,
amended.

Lists of
officials and
employees,
etc.

and council lists of all the officials and employees of the commonwealth employed in or by such department, commission, bureau or board on the first day of July preceding, for whose services money has been paid from the treasury of the commonwealth. The said lists shall be arranged by divisions of the several departments, commissions, bureaus or boards, when such divisions exist, and shall give the name, residence, designation, rate of compensation and the date of election or appointment of every such official and employee, and any increase in the rate of salary or compensation for the year preceding; and also the aggregate amount of all money paid for services or salaries to any official or employee, not otherwise shown upon the list, for the year beginning with the first day of July in the year preceding that in which the list is prepared. It shall be the duty of the auditor of the commonwealth to verify the said lists, the compensation and the said aggregate amounts from the pay roll. The said lists and aggregate amounts shall be printed at the expense of the commonwealth as a document of the commonwealth, before the first day of October in the year in which they are furnished, and the said document shall contain a summary by departments, commissions, bureaus and boards of the total number of officials and employees employed in or by every such department, commission, bureau and board and the total amount paid for services by every such department, commission, bureau and board from the treasury of the commonwealth, and, respectively, the whole number of such officials and employees, and the whole amount paid for services in a grand total; and a summary by every such department, commission, bureau and board of the total number of such officials and employees and the total amount paid for services for the year nineteen hundred and ten, and for each and every year thereafter.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1911.

Chap. 44 AN ACT TO INCORPORATE THE NORTH HANOVER FIREMEN'S ASSOCIATION.

Be it enacted, etc., as follows:

SECTION 1. Edward L. Young, John F. Brooks and David H. Stoddard, all of Hanover, their associates and successors, are hereby made a corporation by the name of

Arrangement
of lists, etc.

Lists to be
printed, etc.

The North
Hanover
Firemen's
Association
incorporated.

the North Hanover Firemen's Association, for the purpose of maintaining an organization and equipment for the extinguishment of fires in the town of Hanover, and particularly in that part of said town known as North Hanover, and shall have and exercise all the powers and privileges and be subject to all the duties, restrictions and liabilities contained in all general laws now or hereafter in force relating to such corporations, except as is hereinafter otherwise provided.

SECTION 2. The corporation shall consist of the aforesaid incorporators and of such other persons as may at any legal meeting of the incorporators be elected members thereof, and the members of the existing unincorporated association of the same name shall be eligible to become members of said corporation. Membership.

SECTION 3. As soon as is practicable after the organization of said corporation by the choice of officers and the adoption of by-laws, said unincorporated association shall, without payment therefor, convey to the corporation all the real and personal property now owned by said unincorporated association, to be held by the corporation for the purposes aforesaid. Transfer of certain property.

SECTION 4. Said corporation shall also have authority to acquire other real and personal estate by grant, devise, bequest, gift or subscription to an amount not exceeding in the whole ten thousand dollars, and to hold, use and expend the same for the purposes of the corporation as hereinbefore set forth; and the property so held by it shall be exempt from taxation. May acquire certain other property, etc.

SECTION 5. Said corporation shall have full power to elect or appoint such officers as from time to time it may deem necessary or expedient; to adopt by-laws; to establish any needful regulations; and generally to do all acts and things necessary or expedient to be done to carry out the purposes of the corporation. May elect officers and adopt by-laws, etc.

SECTION 6. The first meeting of said incorporators for the purpose of organization, adoption of by-laws, election of members and officers, and for any other lawful purpose may be called by any one of the incorporators. Calling of first meeting.

SECTION 7. In case said corporation shall cease to maintain an organization for the extinguishment of fires, or shall for any consecutive period of six months fail to maintain such an organization, then, upon request of the selectmen of the town of Hanover it shall, without payment there- Property may be conveyed to the town of Hanover.

for, convey and deliver to the town of Hanover all the real and personal property then owned by said corporation.

SECTION 8. This act shall take effect upon its passage.
Approved February 17, 1911.

Chap. 45 AN ACT TO INCORPORATE THE KNIGHTS OF SHERWOOD FOREST OF MASSACHUSETTS.

Be it enacted, etc., as follows:

Knights of
Sherwood
Forest of
Massachusetts,
Incorporated.

SECTION 1. Anthony James Connolly, Harry F. MacLeod, Cornelius Brennan, Thomas J. Robinson, Eugene J. McCarthy, Alex McKay, James Bell, Robert James Ollerhead, Edward R. Brennan, Thomas J. McGowan, Albert W. Lovejoy, Philip T. Laffoley, Daniel M. Daley, Patrick J. Hussey, Harry W. Griff, Kenneth E. Young, John McGann, Joseph P. Rivers and Bernard McArdle, their associates and successors, are hereby made a corporation by the name of the Knights of Sherwood Forest of Massachusetts, Incorporated, for the purpose of transacting business as a secret order or fraternity on the lodge system, with power to create subordinate lodges, and to pay death or funeral benefits not exceeding in any one case two hundred dollars in amount, and disability benefits not exceeding in any one case ten dollars a week, and to furnish medical attendance to its members.

Objects of the
corporation.

Subject to
certain pro-
visions of
law.

SECTION 2. The said corporation shall, except as otherwise provided herein, be subject to the provisions of the fraternal beneficiary law applicable to fraternal organizations designated in section twelve of chapter one hundred and nineteen of the Revised Laws and amendments thereof.

SECTION 3. This act shall take effect upon its passage.
Approved February 17, 1911.

Chap. 46 AN ACT TO AUTHORIZE THE TOWN OF MARBLEHEAD TO CONVEY CERTAIN PROPERTY TO HANNAH GRAVES.

Be it enacted, etc., as follows:

The town of
Marblehead
may convey
certain prop-
erty to Han-
nah Graves.

SECTION 1. The town of Marblehead is hereby authorized to grant, sell and convey to Hannah Graves, by deed duly executed in its name and behalf by its board of park commissioners, all the lands, rights in land and all property of every kind situated below the high water line of her premises in the said town adjoining Seaside park therein,

which the said board took from her for a public park in the year nineteen hundred and five. The execution and delivery of said deed shall be a full and final settlement of the petition of said Hannah Graves for damages against said town by reason of said taking, now pending in the superior court for the county of Essex.

SECTION 2. This act shall be submitted to the voters of the town of Marblehead, at the annual or a special town meeting, in the year nineteen hundred and eleven, and shall take effect upon its acceptance by a majority of the voters voting thereon.

Time of
taking effect.

Approved February 17, 1911.

AN ACT RELATIVE TO THE AMERICAN ACADEMY OF ARTS AND SCIENCES.

Chap. 47

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter forty-six of the acts of the year seventeen hundred and seventy-nine, as amended by section one of chapter one hundred and twenty-nine of the acts of the year nineteen hundred and ten, is hereby further amended by striking out the word "three", in the last line, and inserting in place thereof, the word:—four,—so as to read as follows:—*Section 4.* That the fellows of the said academy may from time to time elect such persons to be fellows thereof as they shall judge proper; and that they shall have full power and authority from time to time to suspend, expel or disfranchise any fellow of the said academy who shall by his conduct render himself unworthy of a place in that body, in the judgment of the academy; and also to settle and establish the rules, forms and conditions of election, suspension, expulsion and disfranchisement: *provided*, that the number of the said academy, who are inhabitants of this state, shall not at any one time be more than four hundred nor less than forty.

1779, 46,
§ 4, etc.,
amended.

Membership
of the cor-
poration.

Proviso.

SECTION 2. Section six of said chapter forty-six, as amended by section two of said chapter one hundred and twenty-nine, is hereby further amended by striking out the word "one", in the seventh line, and inserting in place thereof the word:—two,—and by striking out the word "three", in the eighth line, and inserting in place thereof the word:—five,—so as to read as follows:—*Section 6.* That the fellows of the said academy may and shall forever hereafter be deemed capable in the law of having,

1779, 46,
§ 6, etc.,
amended.

May hold
lands, tene-
ments, etc.

Proviso.

holding and taking, in fee-simple or any less estate, by gift, grant, devise or otherwise, any lands, tenements or other estate, real and personal: *provided*, that the said real estate shall not exceed in value the sum of two hundred thousand dollars, and the said personal estate shall not exceed in value the sum of five hundred thousand dollars; all the sums mentioned in the preceding section of this act to be valued in silver at the rate of six shillings and eightpence by the ounce: and the annual interest and income of the said real and personal estate, together with the fines and penalties aforesaid, shall be appropriated for premiums, to encourage improvements and discoveries in agriculture, arts and manufactures, or for other purposes consistent with the end and design of the institution of the said academy, as the fellows thereof shall determine.

SECTION 3. This act shall take effect upon its passage.
Approved February 17, 1911.

Chap. 48 AN ACT RELATIVE TO THE INSPECTION OF CINEMATOGRAPHS AND SIMILAR APPARATUS AND OF THE BOOTHS OR ENCLOSURES THEREFOR.

Be it enacted, etc., as follows:

1909, 281,
§ 1,
amended.

Fee for the
inspection
of a cine-
matograph,
etc.

SECTION 1. Section one of chapter two hundred and eighty-one of the acts of the year nineteen hundred and nine is hereby amended by striking out the words "one dollar", in the fifth line, and inserting in place thereof the words: — two dollars, — and by adding at the end thereof the words: — For the inspection of a booth or enclosure for a cinematograph or similar apparatus a fee of two dollars shall be paid by the owner or user thereof, — so as to read as follows: — *Section 1.* For the inspection of a cinematograph or similar apparatus involving the use of a combustible film more than ten inches in length, as provided by section one of chapter five hundred and sixty-six of the acts of the year nineteen hundred and eight, a fee of two dollars shall be paid by the owner or user thereof. For the inspection of a booth or enclosure for a cinematograph or similar apparatus a fee of two dollars shall be paid by the owner or user thereof.

SECTION 2. This act shall take effect upon its passage.
Approved February 17, 1911.

AN ACT TO AUTHORIZE THE CHILDREN'S HOSPITAL IN BOSTON TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap. 49*

Be it enacted, etc., as follows:

SECTION 1. The Children's Hospital in Boston is hereby authorized to hold real and personal estate to an amount not exceeding two million five hundred thousand dollars. The Children's Hospital in Boston may hold additional estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1911.

AN ACT TO AUTHORIZE THE TRANSFER OF THE PROPERTY OF THE WALNUT GROVE CEMETERY, AN ASSOCIATION, TO THE WALNUT GROVE CEMETERY, A CORPORATION. *Chap. 50*

Be it enacted, etc., as follows:

SECTION 1. The Walnut Grove Cemetery, a corporation organized under the provisions of chapters seventy-eight and one hundred and twenty-three of the Revised Laws, is hereby authorized to take possession and legal control of the burying ground situated in Methuen and known as the Walnut Grove Cemetery; and the trustees of the Walnut Grove Cemetery, an association, are authorized to convey to said corporation title to said burying ground, and all the right, title and interest of said association and the proprietors thereof in said burying ground, and all moneys held by them or by any officers of said association in trust for the use and benefit of said association or for the care of any lots in said cemetery, and all property or rights appertaining to said cemetery. Said corporation shall hold and administer said real estate as a burying ground, and said personal estate charged with the same trusts with which it is now charged. The Walnut Grove Cemetery may take possession of a certain burying ground in Methuen, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1911.

AN ACT RELATIVE TO THE ANNUAL REPORTS OF THE INSURANCE COMMISSIONER. *Chap. 51*

Be it enacted, etc., as follows:

SECTION 1. The annual report of the insurance commissioner on matters relating to fire insurance shall contain the laws enacted on that subject in the year of the report, and his annual report on life and miscellaneous insurance Annual reports of the insurance commissioner, contents, etc.

matters shall contain the laws enacted on those subjects in the year of the report.

SECTION 2. This act shall take effect upon its passage.
Approved February 17, 1911.

Chap. 52 AN ACT TO AUTHORIZE THE HADLEY WATER SUPPLY DISTRICT
TO EXTEND ITS LIMITS.

Be it enacted, etc., as follows:

The Hadley
Water Sup-
ply District
may extend
its limits.

SECTION 1. The inhabitants of the town of Hadley liable to taxation in that town and residing within the territory enclosed by the following boundary lines, to wit:—Beginning at the present northeasterly corner of the district on the Amherst line, said point being north sixteen degrees thirty-four minutes east, three hundred feet from a town bound stone located about sixty feet south of the southerly line of the state highway leading from Hadley to Amherst; thence on said town line north sixteen degrees thirty-four minutes east eight hundred and sixty feet; thence leaving the said town line and running north eighty-six degrees west three hundred and sixty feet on land of one Peterson, and seven hundred and eighty feet on land of one Newton, to a fence corner and to land of Emory H. Davis; thence on the same course on the southerly side of the said Davis' land two hundred and ten feet on the aforesaid Newton's land and five hundred and forty feet on land of Charles W. Greene to a fence corner; thence north six degrees thirty minutes east four hundred and two feet on the Greene-Davis line to a fence corner; thence north eighty-five degrees forty minutes west two thousand and seventy feet on the said line between Greene and Davis to the easterly side of Maple street; thence north sixty-four degrees thirty minutes west twelve hundred and sixty feet to the centre of the Old Amherst road. This last described line crosses Maple street and land of Frank B. Greene and passes through the said Greene's northwesterly corner of land on the said Old Amherst road, the same being the southwesterly corner of land of John Field; thence following the centre line of the Old Amherst road in a general southwesterly direction eighty-three hundred and ninety feet to the northeasterly corner of the Hadley Water Supply District as originally established by chapter one hundred and forty-six of the acts of the year nineteen hundred and five; thence easterly along the northerly line of the Hadley Water Supply Dis-

trict, as enlarged by chapter three hundred and forty of the acts of the year nineteen hundred and nine, to the place of beginning, — shall be added to and made part of the body corporate of the Hadley Water Supply District. The territory hereby annexed to said district and the inhabitants residing therein shall have all the rights, powers and privileges and be subject to all the liabilities and duties pertaining to said district according to the provisions of said chapters one hundred and forty-six and three hundred and forty.

SECTION 2. This act shall take effect upon its acceptance by a majority of the legal voters of the said district, as hereby enlarged, present and voting thereon at a legal meeting called for that purpose within three years after the date of its passage. Said meeting shall be called on a petition of ten or more of the legal voters of said district as enlarged by this act, by warrant from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of said warrant in two or more public places in said district as enlarged by this act, seven days at least before the time set for said meeting, and by publishing such notice thereof as the warrant may require in any newspaper published in the county of Hampshire and circulated in the town of Hadley. The justice or a member of the board of water commissioners of said district shall preside at said meeting until a moderator is chosen and sworn; and for the purpose of authorizing the said meeting this act shall take effect upon its passage.

To be submitted to the voters of the district for acceptance, etc.

Approved February 17, 1911.

AN ACT RELATING TO THE MAINTENANCE OF BASTARD CHILDREN. *Chap. 53*

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter eighty-two of the Revised Laws is hereby amended by adding at the end thereof the following: — and at any hearing of said complaint at any subsequent time to which it may be continued, and so from day to day, and from time to time, until the final disposition of said complaint before said court or trial justice, and not depart without leave, — so as to read as follows: — *Section 4.* A person who is arrested upon such warrant may be released upon giving a bond with sufficient surety or sureties, in not less than three hundred

R. L. 82, § 4, amended.

Release from arrest, etc.

dollars, for his appearance before the court or trial justice having jurisdiction of the complaint, at a time to be specified in said bond, and at any hearing of said complaint at any subsequent time to which it may be continued, and so from day to day, and from time to time, until the final disposition of said complaint before said court or trial justice, and not depart without leave.

R. L. 82, § 5,
amended.

SECTION 2. Section five of said chapter eighty-two is hereby amended by adding at the end thereof the words: — A bond such as is specified in this and the preceding section may be executed and approved on the Lord's day, — so as to read as follows: — *Section 5.* The bond shall be made to the party for whose benefit the complaint is made or prosecuted, and the sureties may be examined and the bond approved by a justice, special justice or clerk of a police, district or municipal court, by a trial justice or by a bail commissioner or master in chancery. A bond such as is specified in this and the preceding section may be executed and approved on the Lord's day.

Bond to be
given.

SECTION 3. This act shall take effect upon its passage.

Approved February 17, 1911.

Chap. 54 AN ACT RELATIVE TO THE RESERVES FOR WEEKLY PAYMENT LIFE INSURANCE POLICIES.

Be it enacted, etc., as follows:

Paragraph Second of section eleven of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven is hereby amended by adding at the end thereof the words: — and any life insurance company receiving premiums by weekly payments may elect for such weekly payment business or any portion thereof to reserve upon any table showing a higher rate of mortality approved by the insurance commissioner, — so as to read as follows: — Second, The net value on the last day of December of the preceding year of all outstanding policies of life insurance issued after the thirty-first day of December in the year nineteen hundred shall be computed upon the basis of the "American Experience Table" of mortality, with interest at three and one half per cent per annum; but any such life insurance company may at any time elect to reserve upon a three per cent basis, and thereupon its policies issued upon such reserve shall be computed upon the basis of the "American Experience Table" of mortality, with interest

1907, 576,
§ 11, Par.
Second,
amended.

Basis of
valuation of
policies of
life insurance
companies.

at three per cent per annum, and any life insurance company receiving premiums by weekly payments may elect for such weekly payment business or any portion thereof to reserve upon any table showing a higher rate of mortality approved by the insurance commissioner.

Approved February 17, 1911.

AN ACT TO AUTHORIZE THE TOWN OF DANVERS TO ISSUE NOTES OR BONDS FOR THE PURPOSE OF PAYING CERTAIN LIABILITIES. Chap. 55

Be it enacted, etc., as follows:

SECTION 1. The town of Danvers, for the purpose of extinguishing a note given by the town for the sum of twenty thousand dollars, payable to James M. Beebe, Samuel T. Dana and Francis Peabody, trustees, or their successors as trustees of the Peabody Family Fund, and dated June tenth, eighteen hundred and seventy-five, is hereby authorized to incur indebtedness to an amount not exceeding twenty thousand dollars, and may issue notes, bonds or scrip therefor. Such notes, bonds or scrip shall be payable in ten annual payments of two thousand dollars each, the first payment to be made one year after the date of said loan. The notes, bonds or scrip shall bear interest at a rate not exceeding four per cent per annum, and the amount required to pay the interest and the principal sums as they become due shall be raised by taxation in the manner in which the other expenses of the town are met.

The town of Danvers may issue notes, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1911.

AN ACT RELATIVE TO THE SCHOOL COMMITTEE IN THE TOWN OF HUNTINGTON. Chap. 56

Be it enacted, etc., as follows:

SECTION 1. The town of Huntington may at its annual meeting in March next elect a school committee of three persons, one of whom shall serve for a term of one year, one for a term of two years and one for a term of three years, and thereafter annually one member of the school committee shall be elected for a term of three years.

Election of a school committee by the town of Huntington.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1911.

Chap. 57 AN ACT TO AUTHORIZE THE CITY OF QUINCY TO MAKE AN
ADDITIONAL SEWER LOAN.

Be it enacted, etc., as follows:

City of
Quincy Sewer
Loan, Act of
1911.

SECTION 1. The city of Quincy, for the purpose of extending and completing its system of sewerage, and for the purposes mentioned in chapter two hundred and seventy-nine of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof, may from time to time issue bonds, notes or scrip, to be denominated on the face thereof, City of Quincy Sewer Loan, Act of 1911, to an amount not exceeding two hundred thousand dollars, outside the limit of indebtedness fixed by law for that city, and in addition to the amounts heretofore authorized by law to be issued by the city for the same purposes. Such bonds, notes or scrip shall be issued upon the terms and conditions and with the force and effect specified in said chapter two hundred and seventy-nine, and in chapter two hundred and twenty-five of the acts of the year eighteen hundred and ninety-seven and acts in amendment thereof and in addition thereto.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1911.

Chap. 58 AN ACT TO AUTHORIZE THE TOWN OF UXBRIDGE TO INCUR
ADDITIONAL INDEBTEDNESS FOR THE PURPOSE OF EXTENDING ITS WATER SUPPLY.

Be it enacted, etc., as follows:

Uxbridge
Second
Additional
Water Loan,
Act of 1911.

SECTION 1. The town of Uxbridge, for the purposes mentioned in section five of chapter two hundred and twenty-five of the acts of the year nineteen hundred and four, as amended by chapter two hundred and seventy-seven of the acts of the year nineteen hundred and five, and by chapter three hundred and ninety-seven of the acts of the year nineteen hundred and six, may borrow money from time to time and issue therefor negotiable bonds, notes or scrip to an amount not exceeding twenty-five thousand dollars, in addition to the amount of ninety-five thousand dollars heretofore authorized by law to be issued by said town for similar purposes. Such bonds, notes or scrip shall be signed by the treasurer of the town and countersigned by the chairman of the board of water commissioners, and shall

be denominated on the face thereof, Uxbridge Second Additional Water Loan, Act of 1911. They shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, and shall bear such rate of interest, not exceeding four per cent per annum, as the town may determine. The town may sell such securities at public or private sale for not less than the par value thereof, upon such terms and conditions as it may deem proper, and shall make payable annually a fixed proportion of the principal of such bonds, notes or scrip; and the town shall raise annually by taxation the amount required to meet the interest and the proportion of the principal which is payable annually.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1911.

AN ACT RELATIVE TO THE DUTIES OF THE CHIEF CLERK OF *Chap. 59*
THE BUREAU OF STATISTICS.

Be it enacted, etc., as follows:

SECTION 1. In the absence or inability of the director of the bureau of statistics, or in the event of his death, pending the appointment and qualification of his successor, the chief clerk or deputy, as provided for by section two of chapter three hundred and seventy-one of the acts of the year nineteen hundred and nine, shall have authority to perform all the duties of said director prescribed by law.

Duties of the
chief clerk
of the
bureau of
statistics.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1911.

AN ACT RELATIVE TO THE DEPARTMENT OF THE SERGEANT- *Chap. 60*
AT-ARMS.

Be it enacted, etc., as follows:

SECTION 1. So much of section eleven of chapter ten of the Revised Laws, as amended by chapter three hundred and twenty-three of the acts of the year nineteen hundred and three, as refers to the sergeant-at-arms' cashier, is hereby amended by striking out the words "one thousand", in the last line, and inserting in place thereof the words: — twelve hundred, — and by adding at the end of said section the words: — to be so allowed from the first day of December in the year nineteen hundred and ten, — so as to read as follows: — and the sergeant-at-arms may employ a cashier, who shall be a stenographer, for whose conduct he shall

R. L. 10,
§ 11, etc.,
amended.

Sergeant-at-
arms cashier.

be accountable, who shall receive an annual salary of twelve hundred dollars, to be so allowed from the first day of December in the year nineteen hundred and ten.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1911.

Chap. 61 AN ACT TO AUTHORIZE THE TOWN OF FRAMINGHAM TO INCUR INDEBTEDNESS FOR A GRADE SCHOOL BUILDING.

Be it enacted, etc., as follows:

SECTION 1. The town of Framingham, for the purpose of erecting, furnishing and equipping a grade school building in the Centre village, so-called, in said town, is hereby authorized to borrow money beyond its statutory limit of indebtedness, to an amount not exceeding sixty-five thousand dollars, and to issue notes or bonds therefor. Such notes or bonds shall bear on the face thereof the words, Framingham Grade School Loan, Act of 1911, and also the words "exempt from taxation in Massachusetts", shall be payable at the expiration of periods not exceeding twenty years from the dates of issue, shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer and countersigned by the selectmen of the town. The town may sell such securities at public or private sale, upon such terms and conditions as it may deem expedient, but they shall not be sold for less than their par value.

SECTION 2. The town shall, at the time of authorizing the said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall, without further vote, be assessed by the assessors of the town annually thereafter, in the same manner in which other town taxes are assessed, until the debt incurred by the loan is extinguished. Said town shall also raise annually by taxation a sum which will be sufficient to pay the interest as it accrues on the notes or bonds issued under authority of this act.

SECTION 3. This act shall take effect upon its acceptance by a majority of the voters of the town present and voting thereon at a meeting duly called for the purpose.

Approved February 20, 1911.

Framingham
Grade School
Loan, Act
of 1911.

Payment of
loan.

Time of
taking effect.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES *Chap. 62*
IN THE JUDICIAL DEPARTMENT OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the judicial department of the commonwealth for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit:—

SUPREME JUDICIAL COURT.

For the salaries and travelling expenses of the chief justice and of the six associate justices, sixty thousand dollars.	Chief justice and associate justices.
For the salary of the clerk, three thousand dollars.	Clerk.
For clerical assistance to the clerk, eight hundred dollars.	Clerical assistance to clerk.
For clerical assistance to the justices, a sum not exceeding twenty-five hundred dollars.	Clerical assistance to justices.
For expenses of the supreme judicial court, a sum not exceeding two thousand dollars.	Expenses.
For the salary of the reporter of decisions, four thousand dollars; and for clerk hire and incidental expenses of said reporter, a sum not exceeding five thousand dollars.	Reporter of decisions, etc.
For the salaries of the officers and messenger, twenty-four hundred dollars.	Officers and messenger.
For the salary of the clerk for the county of Suffolk, fifteen hundred dollars.	Clerk, Suffolk county.
For the salary of the assistant clerk for the county of Suffolk, five hundred dollars.	Assistant clerk, Suffolk county.
For the salaries of the retired justices, fifty-two hundred and fifty dollars.	Retired justices.

SUPERIOR COURT.

For the salaries and travelling expenses of the chief justice and of the twenty-four associate justices, one hundred and seventy-five thousand five hundred dollars.	Superior court justices.
For the salary of the assistant clerk, five hundred dollars.	Assistant clerk.
For printing, transportation of papers and documents, and for incidental expenses of the superior court, a sum not exceeding four hundred dollars.	Printing, etc.

COURTS OF PROBATE AND INSOLVENCY.

Judge of probate, etc., Barnstable.	For the salary of the judge for the county of Barnstable, fourteen hundred dollars.
Berkshire.	For the salary of the judge for the county of Berkshire, twenty-five hundred dollars.
Bristol.	For the salary of the judge for the county of Bristol, forty-five hundred dollars.
Dukes County.	For the salary of the judge for the county of Dukes County, nine hundred dollars.
Essex.	For the salaries of the two judges for the county of Essex, eight thousand dollars.
Franklin.	For the salary of the judge for the county of Franklin, fifteen hundred dollars.
Hampden.	For the salary of the judge for the county of Hampden, thirty-eight hundred dollars.
Hampshire.	For the salary of the judge for the county of Hampshire, seventeen hundred dollars.
Middlesex.	For the salaries of the two judges for the county of Middlesex, ten thousand dollars.
Nantucket.	For the salary of the judge for the county of Nantucket, nine hundred dollars.
Norfolk.	For the salary of the judge for the county of Norfolk, four thousand dollars.
Plymouth.	For the salary of the judge for the county of Plymouth, twenty-seven hundred dollars.
Suffolk.	For the salaries of the two judges for the county of Suffolk, twelve thousand dollars.
Worcester.	For the salaries of the two judges for the county of Worcester, seventy-five hundred dollars.
Retired judges.	For the salaries of retired judges, a sum not exceeding five hundred dollars.
Judges acting in other counties.	For the compensation of judges acting in other counties than their own, a sum not exceeding fifteen hundred dollars.
Register, Barnstable.	For the salary of the register for the county of Barnstable, thirteen hundred dollars.
Berkshire.	For the salary of the register for the county of Berkshire, nineteen hundred dollars.
Bristol.	For the salary of the register for the county of Bristol, thirty-five hundred dollars.
Dukes County.	For the salary of the register for the county of Dukes County, eight hundred dollars.
Essex.	For the salary of the register for the county of Essex, thirty-five hundred dollars.

For the salary of the register for the county of Franklin, Franklin, fifteen hundred dollars.

For the salary of the register for the county of Hampden, Hampden, thirty-one hundred dollars.

For the salary of the register for the county of Hampshire, Hampshire, sixteen hundred dollars.

For the salary of the register for the county of Middlesex, Middlesex, four thousand dollars.

For the salary of the register for the county of Nantucket, Nantucket, eight hundred dollars.

For the salary of the register for the county of Norfolk, Norfolk, twenty-seven hundred dollars.

For the salary of the register for the county of Plymouth, Plymouth, twenty-two hundred dollars.

For the salary of the register for the county of Suffolk, Suffolk, five thousand dollars.

For the salary of the register for the county of Worcester, Worcester, thirty-five hundred dollars.

For the salary of the assistant register for the county of Barnstable, five hundred and fifty dollars. Assistant register, Barnstable.

For the salary of the assistant register for the county of Berkshire, nine hundred and fifty dollars. Berkshire.

For the salary of the assistant register for the county of Bristol, Bristol, twenty-three hundred dollars.

For the salaries of the assistant registers for the county of Essex, Essex, forty-one hundred dollars.

For the salary of the assistant register for the county of Franklin, Franklin, six hundred dollars.

For the salary of the assistant register for the county of Hampden, Hampden, fifteen hundred and fifty dollars.

For the salary of the assistant register for the county of Hampshire, Hampshire, seven hundred dollars.

For the salaries of the assistant registers for the county of Middlesex, Middlesex, seven thousand dollars.

For the salary of the assistant register for the county of Norfolk, Norfolk, thirteen hundred and fifty dollars.

For the salary of the assistant register for the county of Suffolk, Suffolk, twenty-eight hundred dollars.

For the salary of the second assistant register for the county of Suffolk, twenty-five hundred dollars. Second assistant.

For the salary of the assistant register for the county of Worcester, Worcester, fifteen hundred dollars.

For extra clerical assistance to the register for the county of Barnstable, a sum not exceeding four hundred thirty-three dollars and thirty-four cents. Clerical assistance, Barnstable.

Berkshire.	For extra clerical assistance to the register for the county of Berkshire, a sum not exceeding six hundred dollars.
Bristol.	For extra clerical assistance to the register for the county of Bristol, a sum not exceeding two thousand sixty-six dollars and sixty-seven cents.
Dukes County.	For extra clerical assistance to the register for the county of Dukes County, a sum not exceeding two hundred sixty-six dollars and sixty-seven cents.
Essex.	For extra clerical assistance to the register for the county of Essex, a sum not exceeding seven thousand sixteen dollars and sixty-seven cents.
Franklin.	For extra clerical assistance to the register for the county of Franklin, a sum not exceeding four hundred dollars.
Hampden.	For extra clerical assistance to the register for the county of Hampden, a sum not exceeding twenty-six hundred thirty-three dollars and thirty-three cents.
Hampshire.	For extra clerical assistance to the register for the county of Hampshire, a sum not exceeding six hundred dollars.
Middlesex.	For extra clerical assistance to the register for the county of Middlesex, a sum not exceeding seventy-three hundred thirty-three dollars and thirty-three cents.
Nantucket.	For extra clerical assistance to the register for the county of Nantucket, a sum not exceeding three hundred dollars.
Norfolk.	For extra clerical assistance to the register for the county of Norfolk, a sum not exceeding two thousand thirty-three dollars and thirty-three cents.
Plymouth.	For extra clerical assistance to the register for the county of Plymouth, a sum not exceeding twenty-one hundred dollars.
Suffolk.	For extra clerical assistance to the register for the county of Suffolk, a sum not exceeding seventy-one hundred dollars.
Worcester.	For extra clerical assistance to the register for the county of Worcester, a sum not exceeding seven thousand sixteen dollars and sixty-six cents.
Clerk, Suffolk.	For the salary of the clerk of the register for the county of Suffolk, twelve hundred dollars.

DISTRICT ATTORNEYS.

District attorney, Suffolk.	For the salary of the district attorney for the Suffolk district, five thousand dollars.
Assistants.	For the salaries of the first, second and third assistant district attorneys for the Suffolk district, eleven thousand four hundred dollars.

For the salaries of the deputy assistants of the district attorney for the Suffolk district, thirty-six hundred dollars. Deputy assistants.

For the salary of the district attorney for the northern district, four thousand dollars. Northern district.

For the salaries of the assistant district attorneys for the northern district, thirty-eight hundred dollars. Assistants.

For the salary of the district attorney for the eastern district, twenty-four hundred dollars. Eastern district.

For the salary of the assistant district attorney for the eastern district, sixteen hundred dollars. Assistant.

For the salary of the district attorney for the southeastern district, twenty-four hundred dollars. Southeastern district.

For the salary of the assistant district attorney for the southeastern district, sixteen hundred dollars. Assistant.

For the salary of the district attorney for the southern district, twenty-four hundred dollars. Southern district.

For the salary of the assistant district attorney for the southern district, sixteen hundred dollars. Assistant.

For the salary of the district attorney for the middle district, twenty-four hundred dollars. Middle district.

For the salary of the assistant district attorney for the middle district, sixteen hundred dollars. Assistant.

For the salary of the district attorney for the western district, twenty-four hundred dollars. Western district.

For the salary of the district attorney for the northwestern district, thirteen hundred and fifty dollars. Northwestern district.

For travelling expenses necessarily incurred by the district attorneys and assistant district attorneys, except in the Suffolk district, a sum not exceeding fifteen hundred dollars. Travelling expenses.

COMMISSION ON PROBATION.

For expenses of the commission on probation, a sum not exceeding five thousand dollars. Commission on probation.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1911.

AN ACT TO PROVIDE THAT IN CIVIL SERVICE EXAMINATIONS ANSWERS TO QUESTIONS RELATING TO TRAINING AND EXPERIENCE MAY BE UNDER OATH. *Chap. 63*

Be it enacted, etc., as follows:

Section thirteen of chapter nineteen of the Revised Laws is hereby amended by inserting after the word "applicants", R. L. 19, § 13, amended.

Examina-
tions.

in the fifth line, the following:— and all answers of applicants to questions in examinations relating to training and experience, outside of the labor service, shall be under oath, if the commission shall so require, — and by striking out the words “The examination of applicants for employment as laborers shall relate to their capacity for labor and habits of sobriety and industry and to the necessities of themselves and their families”, in the fifth to the eighth lines, inclusive, — so as to read as follows:— *Section 13.* No question in any examination shall relate to, and no appointment to a position or selection for employment shall be affected by, political or religious opinions or affiliations. Examinations shall be practical and shall relate to matters which will fairly test the capacity and fitness of the applicants; and all answers of applicants to questions in examinations relating to training and experience, outside of the labor service, shall be under oath, if the commission shall so require.

Approved February 24, 1911.

Chap. 64 AN ACT TO AUTHORIZE THE TOWNS OF ABINGTON, ROCKLAND AND WHITMAN TO APPROPRIATE MONEY FOR AN ANNIVERSARY CELEBRATION.

Be it enacted, etc., as follows:

Certain towns may appropriate money for an anniversary celebration.

SECTION 1. The towns of Abington, Rockland and Whitman are each hereby authorized to raise by taxation and to appropriate such sums of money as may be authorized by a majority vote of the voters of each town voting thereon at the annual town meeting of each town, duly called in the years nineteen hundred and eleven and nineteen hundred and twelve, for the celebration in the year nineteen hundred and twelve of the two hundredth anniversary of the incorporation of the town of Abington, which comprised the present towns of Abington, Rockland and Whitman, and for publishing the proceedings of the celebration.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1911.

Chap. 65 AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO INCUR INDEBTEDNESS FOR EXTENDING AND RENEWING ITS WATER MAINS.

Be it enacted, etc., as follows:

New Bedford
Water Loan,
Act of 1911.

SECTION 1. The city of New Bedford, for the purpose of extending and renewing its water mains, may incur in-

debtedness, beyond the limit fixed by law, to an amount not exceeding one hundred and fifty thousand dollars, and may issue bonds, notes or scrip therefor, in addition to the amounts heretofore authorized by law to be issued by the city for water works purposes; and the same shall not be reckoned in determining the statutory limit of indebtedness of the city. Such bonds, notes or scrip shall bear on their face the words, New Bedford Water Loan, Act of 1911; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent per annum; and shall be signed by the treasurer of the city and countersigned by the mayor. The city may sell the said securities at public or private sale upon such terms and conditions as it may deem proper; but they shall not be sold for less than their par value. No part of the proceeds of the sale of said bonds, notes or scrip shall be used in payment of running expenses.

SECTION 2. The city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of any such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said city, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of the city annually thereafter, in the same manner in which other taxes are assessed, until the debt incurred by said loan is extinguished.

Payment of
loan.

SECTION 3. This act shall take effect upon its passage.

Approved February 24, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN DENTISTRY.

Chap. 66

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the board of registration in dentistry, for the

Appropriations, board
of registration
in dentistry.

fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit:—

Salaries of members.

For the salaries of the members, seventeen hundred dollars.

Clerical services, etc.

For clerical services, postage, printing, travelling and other necessary expenses, to include the printing of the annual report, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1911.

Chap. 67 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE BANK COMMISSIONER.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the department of the bank commissioner, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit:—

Bank commissioner.

For the salary of the commissioner, the sum of five thousand dollars.

For the salary of the deputy, the sum of three thousand dollars.

Examiners, clerks, etc.

For the salaries of examiners, clerks, experts and other assistants, a sum not exceeding fifty thousand dollars.

Printing, stationery, etc.

For printing, stationery, office supplies, travelling and other expenses, a sum not exceeding twenty thousand dollars.

Annual reports.

For printing and binding the annual reports, a sum not exceeding fifty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1911.

Chap. 68 AN ACT TO ESTABLISH A SITTING OF THE SUPERIOR COURT AT WARE FOR NATURALIZATION BUSINESS.

Be it enacted, etc., as follows:

Sitting of superior court in the town of Ware.

SECTION 1. The sitting of the superior court provided by section twenty-four of chapter one hundred and fifty-seven of the Revised Laws to be held at Northampton for civil business on the first Monday of June shall, on the fol-

lowing Wednesday, be adjourned to and held at Ware for naturalization business.

SECTION 2. This act shall take effect upon its passage.
Approved March 1, 1911.

AN ACT TO PROHIBIT THE TAKING OF FLOUNDERS AND OTHER Chap. 69
GROUND FISH BY CERTAIN APPARATUS IN THE VICINITY OF
PEMBERTON POINT AND PIG ROCK.

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful to take flounders or Taking of
certain
ground fish
prohibited,
etc.
any other ground fish in the waters lying inshore from a
line drawn from Pemberton point, in the town of Hull,
to Pig rock, in the town of Swampscott, by beam trawl
or by any apparatus other than a hook and line or an ordi-
nary trawl.

SECTION 2. Whoever violates any provision of this act Penalty.
shall be punished by a fine not exceeding two hundred
dollars for each offence. *Approved March 1, 1911.*

AN ACT RELATIVE TO THE SERVICE OF TRUSTEE PROCESS Chap. 70
UPON FOREIGN CORPORATIONS.

Be it enacted, etc., as follows:

When a foreign corporation having a usual place of busi- Service of
trustee
process on
foreign cor-
porations.
ness in this commonwealth is summoned as trustee of the
defendant in any action brought under the provisions of
section one of chapter one hundred and eighty-nine of the
Revised Laws, and when the defendant is an employee of
such trustee, service of the writ may be made upon any
paymaster or other officer or agent of the corporation whose
duty it is to pay such employee, and such service shall be
as binding upon the corporation as if it had been made
upon the commissioner of corporations.

Approved March 1, 1911.

AN ACT TO ABOLISH THE AGE LIMIT FOR ADMISSION TO THE Chap. 71
MONSON STATE HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. Section fifty-seven of chapter five hundred 1909, 504,
§ 57,
amended.
and four of the acts of the year nineteen hundred and nine

Commitment
of epileptics,
etc.

1909, 504,
§ 58,
amended.

Voluntary
admissions.

is hereby amended by striking out the words, "of the age of ten years or over", in the first line, — so as to read as follows:— *Section 57.* A person who is subject to epilepsy, if he is not a criminal, inebriate or violently insane, may, if insane, be committed to the Monson state hospital, in accordance with the provisions for the commitment of other insane persons, or may, if dangerous to himself or others by reason of epilepsy, be committed thereto in the manner provided for the commitment of dipsomaniacs and inebriates.

SECTION 2. Section fifty-eight of said chapter five hundred and four is hereby amended by striking out the words "of the age of ten or over", in the second and third lines, — so as to read as follows:— *Section 58.* The trustees of said hospital may receive and detain therein as a patient any person certified to be subject to epilepsy by a physician qualified as provided in section thirty-two, who desires to submit himself to treatment and makes written application therefor, and whose age and mental condition are such as to render him competent to make such application, or for whom application is made by a parent or guardian. No such patient shall be detained more than three months after having given notice in writing of his intention or desire to leave the hospital. Upon the patient's reception at the hospital, the superintendent shall report the particulars of the case to the board of insanity, who may investigate the same.

SECTION 3. This act shall take effect upon its passage.

Approved March 1, 1911.

Chap. 72 AN ACT AUTHORIZING TOWNS TO APPROPRIATE MONEY FOR
THE EMPLOYMENT OF NURSES.

Be it enacted, etc., as follows:

Towns may
appropriate
money for
nurses.

SECTION 1. Towns are hereby authorized to appropriate annually a sum not exceeding two thousand dollars for the employment of district or other nurses. The said sums may be expended directly by the town through its selectmen, or under the direction of the board of health when authorized so to do by the selectmen.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1911.

AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF WORCESTER. *Chap. 73*

Be it enacted, etc., as follows:

SECTION 1. The salary of the assistant register of probate and insolvency for the county of Worcester shall be twenty-three hundred dollars a year, to be so allowed from the first day of January in the current year.

Assistant register of probate, Worcester county, salary.

SECTION 2. So much of any act as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved March 1, 1911.

AN ACT RELATIVE TO THE ANNUAL REPORT OF THE DIRECTOR OF THE BUREAU OF STATISTICS ON THE FINANCIAL STATISTICS OF CITIES AND TOWNS. *Chap. 74*

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter three hundred and seventy-one of the acts of the year nineteen hundred and nine is hereby amended by striking out the words "of the report on the financial statistics of cities and towns, four thousand copies, of which three thousand shall be for the use of the bureau", and inserting in place thereof the words: — of the report on the statistics of municipal finances, seven thousand copies, of which six thousand shall be for the use of the bureau.

Annual report of director of the bureau of statistics.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1911.

AN ACT RELATIVE TO THE PLACING OF SPECIAL ASSESSMENTS ON TAX BILLS. *Chap. 75*

Be it enacted, etc., as follows:

All apportioned special assessments and all other assessments on real estate constituting a lien thereon, for which such real estate might be sold, shall be placed on the annual tax bill for the real estate.

Special assessments on tax bills.

Approved March 1, 1911.

Chap. 76 AN ACT RELATIVE TO THE APPOINTMENT AND DUTIES OF
FENCE VIEWERS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Appointment,
etc., of fence
viewers of
the city of
Boston.

SECTION 1. The fence viewers in the city of Boston shall hereafter be two inspectors in the building department of the city, to be designated by the mayor, and the inspectors so designated shall have the powers and perform the duties of fence viewers in said city, as now provided by law. The said inspectors shall be empowered to collect such fees as are allowed by law to fence viewers, and all fees so collected shall be paid into the treasury of the city.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1911.

Chap. 77 AN ACT RELATIVE TO STORAGE WAREHOUSES.

Be it enacted, etc., as follows:

Names of
persons, etc.,
storing liquor
in ware-
houses to be
furnished to
the licensing
authorities.

SECTION 1. Proprietors of storage warehouses shall furnish to the licensing authorities of any city or town, upon request of said authorities, the names of all persons, firms or corporations storing liquor in their warehouses, and this information shall be for the use of the licensing authorities only.

SECTION 2. Proprietors of storage warehouses who refuse or neglect to furnish information as specified in section one shall be punished by a fine of fifty dollars.

Approved March 1, 1911.

Chap. 78 AN ACT RELATIVE TO TOWN MEETINGS IN THE TOWN OF
PEABODY.

Be it enacted, etc., as follows:

Town meet-
ings in the
town of
Peabody.

SECTION 1. No action shall be taken at any town meeting in the town of Peabody appropriating or involving the expenditure of money, the creating of a debt, or the disposal of any town property, until the proposed action has been submitted to the finance committee, and report made thereon.

Duties of
finance com-
mittee in cer-
tain cases.

SECTION 2. Whenever the warrant for any town meeting contains any article or articles proposing the appropriation or expenditure of money, the creation of a town debt or the sale of any town property, the selectmen shall, six days at least before the day named in the warrant for hold-

ing such town meeting, transmit to the finance committee a copy of said article or articles, and the finance committee shall thereupon meet and, on the organization of such town meeting, make report thereon to the town.

SECTION 3. Whenever any question is brought before the town meeting involving the raising, paying or appropriating of money, the disposal of any property of the town or any interest therein, or in any way creating a town debt or expenditure, the vote upon such question shall be taken by ballot, if, before the main question is put to vote, ten legal voters shall so request; the ballot to be prepared and voting booths used as in the Australian ballot system.

Vote to be taken by ballot, etc.

SECTION 4. The recommendation of the finance or other committee upon any such question shall be divided into separate propositions whenever it seems to the committee desirable so to do, and the town may still further divide the propositions submitted by the committee. These propositions in such form as the town may decide, shall be placed upon the ballot. One alternative proposition under each division of the subject, shall, if the town so votes, be placed along with that submitted by the committee.

Recommendations to be divided, etc.

SECTION 5. The ballot as presented to the voter shall have provided a place for voting Yes or No against each appropriation or procedure under each division of the subject.

Form of ballot.

The order of printing upon the ballot shall be: —

1. The proposition of the committee.
2. Any alternative proposition which the town has directed to be made.
3. A provision to negative any procedure, payment or appropriation.

SECTION 6. The preparation and printing of the ballot shall be under the direction of the town clerk. No proposition shall become effective except by a majority vote.

Preparation of ballot.

SECTION 7. When all the articles in the warrant have been considered, an adjournment shall be made of at least three days, and at the adjourned meeting the first business shall be to ballot upon the articles that require the ballot. If any item of ordinary expenditure fails to be provided for by this ballot, the matter shall still be before the town for further consideration, and in an amended form may, on demand of ten legal voters, again be submitted to vote by ballot. In this case as before, adjournment shall be had for at least three days.

Adjournment of meeting.

Time in which polls shall be kept open.

SECTION 8. At the meeting designated for taking the ballot the polls shall be kept open for such time as the town may direct, but not less than four hours, two hours of which shall be before sundown.

Number of voters required to be present.

SECTION 9. No vote shall be passed appropriating or involving the expenditure of money at any town meeting other than the annual meeting, unless there shall be at least one hundred legal voters present and voting in favor of such appropriation or expenditure.

Certain vote to be taken by a Yes and No ballot.

SECTION 10. Whenever any question is brought before the town meeting involving the raising, paying or appropriating of money, the disposal of any property of the town, or any interest therein, or in any way creating a town debt or expenditure the vote upon such question shall be taken at said meeting by a printed Yes or No ballot, the check list being used, if three or more legal voters so request: *provided, however,* that this method of voting shall not be employed if ten or more legal voters request that the proposition be placed upon the ballot as provided in sections two to eight, inclusive, of this act.

Proviso.

Reconsideration of vote.

SECTION 11. No vote relative to the raising, paying or appropriating of money shall be reconsidered in town meeting by any less number of votes than were present at the former consideration of the same. And in order to ascertain the number rightly, the moderator shall, when any money matter is first considered and voted upon in town meeting, count the number of votes, and the town clerk shall make a proper minute or memorandum thereof, and, as soon as can conveniently be done, shall enter the same in the town books for reference as occasion may require.

SECTION 12. This act shall take effect upon its passage.
Approved March 1, 1911.

Chap. 79 AN ACT TO INCORPORATE THE TRUSTEES OF THE HEARD FUND OF THE IPSWICH PUBLIC LIBRARY.

Be it enacted, etc., as follows:

Trustees of the Heard Fund of the Ipswich Public Library incorporated.

SECTION 1. Joseph F. Ross, Thomas H. Lord and John Heard, trustees under the will of Augustine Heard, deceased, and holding property, real and personal, under said will, for the purpose of maintaining a free public library in the town of Ipswich, and their successors in said trust, are hereby made a corporation under the name of Trustees of the Heard

Fund of the Ipswich Public Library, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

SECTION 2. The said corporation may hold real and personal property for the purpose aforesaid to the amount of one hundred thousand dollars. All gifts, devises, bequests and grants to said corporation shall be devoted to the said purpose, and used in conformity with and held upon the terms upon which such gifts, devises, bequests or grants have been or may hereafter be made: *provided*, that the terms are not inconsistent with the provisions of this act.

May hold real and personal property, etc.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved March 1, 1911.

AN ACT TO INCORPORATE THE TRUSTEES OF THE TREADWELL FUND OF THE IPSWICH PUBLIC LIBRARY. Chap. 80

Be it enacted, etc., as follows:

SECTION 1. Joseph F. Ross, Thomas H. Lord, John Heard and the pastor of the First Congregational church of Ipswich and the principal of the high school in Ipswich, the last two, ex officio, trustees under the will of Daniel Treadwell, deceased, and holding property, real and personal, under said will, for the purpose of maintaining a free public library in the town of Ipswich, and their successors in said trust, are hereby made a corporation under the name of Trustees of the Treadwell Fund of the Ipswich Public Library, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

Trustees of the Treadwell Fund of the Ipswich Public Library incorporated.

SECTION 2. The said corporation may hold real and personal property for the purpose aforesaid to the amount of one hundred thousand dollars. All gifts, devises, bequests and grants to the corporation shall be devoted to the said purpose, and used in conformity with and held upon the terms upon which such gifts, devises, bequests or grants have been or may hereafter be made: *provided*, that the terms are not inconsistent with the provisions of this act.

May hold real and personal property, etc.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved March 1, 1911.

Chap. 81 AN ACT RELATIVE TO CERTIFIED PUBLIC ACCOUNTANTS.

Be it enacted, etc., as follows:

1909, 399,
§ 2,
amended.

Examination
of applicants.

Section two of chapter three hundred and ninety-nine of the acts of the year nineteen hundred and nine is hereby amended by striking out the words “for each certificate”, in the sixth and seventh lines, so as to read as follows:—
Section 2. The said commissioner shall examine any citizen of the United States resident in the commonwealth and not less than twenty-one years of age, who may apply for such a certificate, shall investigate his character and fitness and shall require the payment of such a reasonable and fixed fee, not exceeding twenty-five dollars, as may be necessary in his opinion to carry out the provisions of this act.

Approved March 1, 1911.

Chap. 82 AN ACT TO AUTHORIZE THE GOVERNOR TO OBTAIN CERTAIN INFORMATION.

Be it enacted, etc., as follows:

Investigation
of commis-
sions, depart-
ments, etc.

Report.

Expendi-
tures.

SECTION 1. The governor is hereby authorized to employ such persons as he may deem proper to make such investigation of any of the commissions, departments or institutions of the commonwealth as he believes is necessary to enable him to carry out the provisions of chapter two hundred and twenty of the acts of the year nineteen hundred and ten. Such persons shall report in writing to the governor, and copies of every report shall, at the same time, be sent by said persons to the governor’s council and to the joint committee on ways and means of the general court. For this purpose the governor may expend such sums out of the amount authorized by chapter five hundred and forty-nine of the acts of the year nineteen hundred and eight as may be approved by the governor and council.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1911.

AN ACT TO AUTHORIZE THE GRANTING OF LICENSES FOR THE *Chap. 83*
 SALE OF INTOXICATING LIQUORS OF THE SAME CLASS AS
 THOSE WHICH EXPIRE BY OPERATION OF LAW OR ARE SUR-
 RENDERED AND CANCELLED, IN PLACES OTHER THAN WHERE
 SAID LICENSES WERE ORIGINALLY GRANTED.

Be it enacted, etc., as follows:

SECTION 1. Section twenty of chapter one hundred of the Revised Laws, as amended by chapter one hundred and seventy-one of the acts of the year nineteen hundred and two, and by chapter two hundred and six of the acts of the year nineteen hundred and five, is hereby further amended by striking out the words "and not transferred", in the fourth line, and by striking out the words "for the same place", in the twelfth line, so as to read as follows: — *Section 20.* If a licensee dies before the expiration of the term of his license, or if a license has been surrendered and cancelled, the board or authority issuing the license may issue another such license of the same class, and the two licenses shall count as one license; and said board or authority shall require as a license fee for such second license a part of the license fee required therefor for the whole year proportionate to the unexpired term of the license. Said board or authority may in its discretion, in cases where two licenses of the same class have been issued in the same year, give a certificate to the party to whom the first license was issued, or, in case of his death, to his administrator or executor, stating that a part of the fee paid therefor proportionate to the unexpired term of the license is to be refunded to such party, or to such administrator or executor, by the treasurer of the city or town from the fees thereafter received by said treasurer for licenses to sell intoxicating liquors. Said treasurer shall comply with the requirements of such certificate, and shall retain one quarter of the amount so paid from any money thereafter due from him or the city to the commonwealth on account of licenses to sell intoxicating liquors. If a licensee dies before the expiration of the term of his license, the city or town by which it was granted may refund to his executor or administrator a part of the license fee proportionate to the unexpired term of the license, and the proportionate part of the percentage which has been paid to the commonwealth shall be refunded to the city or town.

R. L. 100,
 § 20, etc.,
 amended.

New license
 may be
 issued in
 certain cases.

Part of
 license fee
 may be re-
 funded, etc.

SECTION 2. This act shall take effect upon its passage and shall apply to licenses granted in the year nineteen hundred and eleven as well as to all licenses granted thereafter.

Approved March 2, 1911.

Chap. 84 AN ACT RELATIVE TO THE PUNISHMENT OF ROBBERY.

Be it enacted, etc., as follows:

R. L. 207,
§ 17,
amended.

Punishment
of robbery
in certain
cases.

Section seventeen of chapter two hundred and seven of the Revised Laws is hereby amended by adding at the end thereof the words: — or for any term of years, — so as to read as follows: — *Section 17.* Whoever, being armed with a dangerous weapon, assaults another and robs, steals and takes from his person money or other property which may be the subject of larceny, with intent if resisted to kill or maim the person robbed, or, being so armed, wounds or strikes the person robbed, shall be punished by imprisonment in the state prison for life or for any term of years.

Approved March 2, 1911.

Chap. 85 AN ACT TO PROHIBIT ADVERTISING FOR DIVORCE BUSINESS.

Be it enacted, etc., as follows:

R. L. 152,
§ 39,
amended.

Penalty for
advertising
for divorce
business.

SECTION 1. Section thirty-nine of chapter one hundred and fifty-two of the Revised Laws is hereby amended by striking out the words “not being duly admitted as an attorney-at-law in this commonwealth”, in the first and second lines, so as to read as follows: — *Section 39.* Whoever writes, prints or publishes, or solicits another to write, print or publish, any notice, circular or advertisement soliciting employment in the business of procuring divorces or offering inducements for the purpose of procuring such employment shall be punished as provided in the preceding section.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1911.

Chap. 86 AN ACT TO AUTHORIZE THE TOWN OF STOUGHTON TO CONSTRUCT A SYSTEM OF SEWERAGE.

Be it enacted, etc., as follows:

The town of
Stoughton
may con-
struct a
system of

SECTION 1. The town of Stoughton is hereby authorized to lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or

the whole of its territory, with such connections and other works as may be required for a system of sewage disposal; and, for the purpose of providing better surface or other drainage, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as it deems best. For the purposes aforesaid the town may within its limits deepen, widen and clear of obstruction any brook, stream or water course, and may straighten or alter the channels or divert the waters thereof, and may lay, make and maintain subdrains, and, with the approval of the state board of health, discharge the water into any brook, stream or water course within the town.

SECTION 2. The town shall elect a board of three commissioners, to be called sewer commissioners, who shall be citizens and residents of the town, and shall be elected by ballot at a special meeting or at an annual meeting of the town, one commissioner to hold office for one year, one for two years and one for three years, respectively, from the date of the annual town meeting at which he is elected or which follows the special meeting at which he is elected, and until his successor is chosen and qualified; and at each annual town meeting thereafter the town shall elect one member of the board to serve for three years or until his successor is elected and qualified. If a vacancy occurs in the board the town may at a meeting called for the purpose elect a person, qualified as aforesaid, to fill the vacancy.

SECTION 3. The said board of sewer commissioners, acting in behalf of the town, shall have power to take, or acquire by purchase or otherwise, any lands in fee and any water rights, rights of way and easements in said town, public or private, necessary for any of the purposes mentioned in this act, and may construct within the town such main drains and sewers under or over any water course, bridge, aqueduct, conduit, railroad, railway or way, or within the location of any railroad or railway, and may enter upon and dig up and excavate any private land, street or way, or railroad or railway location, for the purpose of laying such main drains and sewers, and maintaining and repairing the same, and may do any other thing necessary or proper for the purposes of this act: *provided, however*, that said board shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drains or sewers within the location of any railroad corporation, except at

sewerage,
etc.

Sewer com-
missioners,
election,
terms, etc.

May acquire
land, rights
of way, etc.

Proviso.

such time and in such manner as they may agree upon with such corporation, or, in case of failure to agree, as may be approved by the board of railroad commissioners.

Description
of land, etc.,
taken to be
recorded.

SECTION 4. Said board of sewer commissioners in order to take any lands in fee, water rights, rights of way or easements, shall cause to be recorded in the registry of deeds for the county of Norfolk a statement signed by a majority of the board, containing a description thereof as certain as is required in a conveyance of land, and specifying that the same are taken under authority of this act; and upon such recording the title to the land, water rights, rights of way or easements described in such statement shall vest in the town of Stoughton, which shall pay all damages therefor and all other damages sustained by any person or corporation through any action of said board under this act. Said board at the time of such taking shall notify the owners thereof in writing, and may agree with any person or corporation injured hereunder upon the damages sustained by such person or corporation; and if the damages are not agreed upon, a jury in the superior court for said county may be had to determine the same, upon petition of either party, in the manner provided by law for determining the damages for land taken for the laying out of highways; but in the case of a taking no suit or petition shall be brought after the expiration of two years from the date of the recording of the taking as herein provided; and in all other cases no suit or petition shall be brought after the expiration of two years from the time when the cause of action accrues.

Damages.

Town may
offer a spe-
cified sum
for damages,
etc.

SECTION 5. In every case of a petition for the assessment of damages or for a jury the town may at any time file in the office of the clerk of the court an offer in writing to pay the petitioner a sum therein specified as damages; and if the petitioner does not accept the same within thirty days after notice of such offer, and does not finally recover a sum greater than that offered, not including interest from the date of the offer on the sum so recovered, the town shall recover costs from the date of such notice, and the petitioner shall be entitled to costs only to such date.

Apportion-
ment of cost.

SECTION 6. The town of Stoughton shall by vote determine what proportion of the cost of said system or systems of sewerage and sewage disposal the town shall pay: *provided*, that it shall pay not less than one third nor more than one half of the whole cost. In providing for the payment of the remaining portion of the cost of said system

Proviso.

or systems the town may avail itself of any or all of the methods permitted by general laws, and at the same meeting at which it determines the proportion of the cost which is to be borne by the town, it may by its vote determine by which of the methods permitted by general laws the remaining portion of said cost shall be provided for. In case it determines that such remaining portion of said cost is to be provided for, wholly or in part, by assessment upon the owners of estates situated within the territory embraced by said system or systems and benefited thereby, then the owners of such estates shall be assessed by said board of sewer commissioners their proportional parts, respectively, of such portion of said cost as said town shall have determined is to be provided for by assessment, but no estate shall be deemed to be benefited until a sewer is constructed into which it can be drained. For the purpose of fixing the amount of such assessments the said board shall determine the value of the special benefit to each of said estates, respectively, from the said system or systems of sewers, taking into account all the circumstances of the case; and the proportionate part to be paid by the owners of said estates, respectively, shall be based upon the amount of the special benefit to each estate, determined as aforesaid; and every such owner shall, within three months after written notice of such assessment, served on him or on the occupant of his estate, or sent by mail to the last address of such owner known to said board of sewer commissioners, pay the sum so assessed to the collector of taxes of said town; *provided*, that said board shall, on the written request of any such owner made within the said three months, apportion such assessment into ten equal parts or assessments; and said board shall certify such apportionment to the assessors of the town, and one of said parts or installments, with interest from the date of the apportionment at six per cent per annum, shall be added by the assessors to the annual tax on such estate for each year next ensuing, until all of said parts have so been added, unless sooner paid as hereinafter provided, and *provided, further*, that nothing herein contained shall be construed to prevent the payment at any time in one payment, notwithstanding its prior apportionment, of any balance of said assessments then remaining unpaid, but interest on such balance at the rate of six per cent per annum shall be paid to the date of such payment, and thereupon the collector of taxes of said town shall

Value of
benefit to be
determined.

Provisos.

receive the same and shall certify such payment or payments to the assessors who shall preserve a record thereof. In case of corner lots and lots abutting on more than one sewered street the same area shall not be assessed more than once.

Assessments
to constitute
a lien upon
estates, etc.

SECTION 7. An assessment made under the provisions of section six shall constitute a lien upon the estate, which shall continue for three years after it is made and notice served as above provided, or in case of apportionment, until the expiration of two years from the time when the last installment is committed to the collector of taxes; and said assessment, if not paid within three months after service of said notice, or, if apportioned, within three months after any part has become due, may, together with interest thereon at the rate of six per cent per annum, with incidental costs and expenses, be levied by the collector by sale of such estate, or so much thereof as shall be sufficient to discharge the assessment and interest and intervening charges. Such sale and all proceedings connected therewith shall be conducted in the same manner as sales for the non-payment of taxes; and real estate so sold may be redeemed the same as if sold for the non-payment of taxes, and in the same manner. Such assessments or parts thereof may also be collected by an action of contract in the name of the town of Stoughton against the owner of the estate, brought at any time within three years after the same have become due.

Person ag-
grieved may
apply for a
jury, etc.

SECTION 8. Any person aggrieved by such assessment may at any time within three months after service of the notice mentioned in section six of this act apply to the superior court of said county for a jury to revise the same, but before making such application he shall give fourteen days' notice in writing of his intention so to do to the said board of sewer commissioners, and shall therein particularly specify his objection to the assessment, to which specification he shall be confined before the jury.

Stoughton
Sewerage
Loan, Act
of 1911.

SECTION 9. The town of Stoughton, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness to an amount not exceeding one hundred thousand dollars, and may issue from time to time therefor bonds or notes; and the debt and loans authorized by this act and the bonds or notes issued therefor shall not be reckoned in determining the statutory limit of indebtedness of the town. Such bonds or notes shall

bear on their face the words, Stoughton Sewerage Loan, Act of 1911, shall be payable within periods not exceeding forty years from the dates of issue, and shall bear interest payable semi-annually at a rate not exceeding four per cent per annum. They shall be signed by the treasurer of the town and countersigned by a majority of the selectmen. The town may from time to time sell such securities, or any part thereof, at public or private sale, but they shall not be sold for less than their par value. The proceeds thereof shall be retained in the treasury and the treasurer shall, upon the order of said board of sewer commissioners, pay therefrom the expenses incurred for the purposes aforesaid.

SECTION 10. The town shall at the time of authorizing the said loan provide for the payment thereof in such annual payments as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed the amount required thereby, less the amount that may be appropriated therefor as provided in the following section, shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed, until the debt incurred by the town is extinguished.

Payment of
loan.

SECTION 11. The receipts from sewer assessments and from payments made in lieu thereof, and the premiums, if any, received from the sale of bonds or notes issued under authority of this act, shall be applied by said board to the payment of charges and expenses incident to the maintenance and operation of said system of sewerage, or to the extension thereof, except that the town may apply any part of such receipts to the payment of the interest upon bonds or notes issued under authority of this act and not otherwise provided for, or to the payment or redemption of such bonds or notes, as the town shall by vote determine, and the said receipts shall be used for no other purpose. If such receipts shall not in any year be sufficient for the purposes aforesaid the town shall raise forthwith by taxation, in the same manner in which money is raised and appropriated for other town purposes, the balance required therefor.

Payment of
operating ex-
penses, etc.

SECTION 12. Said board of sewer commissioners shall annually appoint a clerk, and may appoint a superintendent of sewers, and may remove said clerk or superintendent at its pleasure. The compensation of said board shall be fixed by the town.

Clerk and
superin-
tendent.

Contracts.

SECTION 13. All contracts made by said board shall be made in the name of the town and shall be signed by said board, but no contract shall be made or obligation incurred by said board for any purpose in excess of the amount of money appropriated by the town therefor.

Commissioners may make rules and regulations.

SECTION 14. Said board may from time to time prescribe rules and regulations for the connecting of estates and buildings with main drains and sewers, and for the inspection of the materials, the construction, alteration and use of all connections and drains entering into such main drains or sewers, and may impose penalties not exceeding twenty dollars for each violation of any such rule or regulation. Such rules and regulations shall be published not less than once a week for three successive weeks in some newspaper published in the town of Stoughton, if there be any, and if not then in some newspaper published in the county of Norfolk, and shall not take effect until such publication has been made.

Plans to be approved by the state board of health, etc.

SECTION 15. No act shall be done under authority of the preceding sections until the plans for said system of sewerage have been approved by the state board of health. Upon application to the state board of health for such approval it shall give a hearing, after due notice to the public. At such hearing plans, showing in detail all the work to be done in constructing said system of sewerage, shall be submitted for the approval of the state board of health.

Town may commence construction.

SECTION 16. Until said board of sewer commissioners shall have been elected as provided in this act, the town may carry on the construction of its system of sewerage by a duly authorized committee of the town, but for a period not longer than until the annual meeting next but one after the commencement of said work of construction. Said committee shall serve without pay, and shall have all the powers and authority given to said board of sewer commissioners in this act or by the general laws relating to boards of sewer commissioners.

Time of taking effect.

SECTION 17. This act shall take effect upon its passage, but no expenditure shall be made and no liability incurred hereunder until this act has been accepted by vote of a majority of the voters of said town voting thereon at a legal meeting called for the purpose.

Approved March 2, 1911.

AN ACT RELATIVE TO THE FILLING OF VACANCIES IN TRUST COMPANIES. *Chap. 87*

Be it enacted, etc., as follows:

SECTION 1. Section eight of chapter one hundred and sixteen of the Revised Laws is hereby amended by adding at the end thereof the following:— The board of directors may fill, until the next annual meeting, any interim vacancies in office that may occur, — so as to read as follows:

R. L. 116, § 8, amended.

— *Section 8.* The officers of such corporation, except the treasurer and actuary, shall be chosen at its annual meeting. The treasurer and actuary shall be appointed by the directors, shall hold their respective offices during the pleasure of the board of directors and shall give bond to the satisfaction of said board for the faithful performance of their duties. The board of directors may fill, until the next annual meeting, any interim vacancies in office that may occur.

Officers of trust companies, how chosen.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1911.

AN ACT RELATIVE TO STORAGE OF INTOXICATING LIQUORS. *Chap. 88*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and eighty-four of the acts of the year nineteen hundred and five is hereby amended by striking out the words “fourth or fifth class”, in the second line, and by inserting the word: — first, — before the word “approved”, in the last line, — so as to read as follows:— *Section 1.* It shall be lawful

1905, 284, § 1, amended.

for persons holding licenses for the sale of intoxicating liquor to store liquor in a public or private warehouse or on other premises not covered by such license: *provided*, that no liquor shall be delivered to a purchaser from such premises, and that the use of such premises for that purpose shall be first approved by the officer or board granting the license.

Certain persons may store intoxicating liquors.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1911.

AN ACT RELATIVE TO THE TIME OF MAKING OMITTED ASSESSMENTS OF TAXES. *Chap. 89*

Be it enacted, etc., as follows:

Section eighty-five of Part I of chapter four hundred and ninety of the acts of the year nineteen hundred and nine

1909, 490, § 85, Part I, amended.

Assessment
of estates
omitted from
annual as-
sessment.

is hereby amended by striking out the word "fifteenth", in the fifth line, and inserting in place thereof the word:—tenth,—and by inserting after the word "days", in the fifth line, the words:—both inclusive,—so as to read as follows:—*Section 85.* If the real or personal estate of a person, to an amount not less than one hundred dollars and liable to taxation, has been omitted from the annual assessment of taxes in a city or town, the assessors shall between the tenth and twentieth days, both inclusive, of December next ensuing assess such person for such estate. The taxes so assessed shall be entered on the tax list of the collector who shall collect and pay over the same. Such additional assessment shall not render the tax of such city or town invalid although its amount, in consequence thereof, shall exceed the amount authorized by law to be raised.

Approved March 2, 1911.

Chap. 90 AN ACT RELATIVE TO THE MANNER OF DISTRIBUTING THE
FIREMEN'S RELIEF FUND.

Be it enacted, etc., as follows:

R. L. 32, § 73,
etc., amended.

SECTION 1. Section seventy-three of chapter thirty-two of the Revised Laws, as amended by chapter two hundred and fifty-three of the acts of the year nineteen hundred and three, is hereby further amended by inserting after the word "same", in the fifth line, the following:—or while engaged in company drills, when such drills are ordered by the chief, acting chief or board of engineers of the fire department, or required by city or town ordinance or by-law,—so as to read as follows:—*Section 73.* Such fund shall be used for the relief of firemen, whether members of said association or not, who may be injured in the performance of their duty at a fire or in going to or returning from the same, or while engaged in company drills, when such drills are ordered by the chief, acting chief or board of engineers of the fire department, or required by city or town ordinance or by-law, and for the relief of the widows and children of firemen killed in the performance of such duty, in the manner and to the amount determined by a board of five persons, of whom three, not members of said association, shall be appointed by the governor in July of the year nineteen hundred and three, to serve, one for three years, one for two years and one for one year; and one shall be appointed in July of each year thereafter to serve for the full term of

Firemen's
relief fund,
distribution,
etc.

three years, and two shall be appointed by said association in such manner as it may from time to time determine.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1911.

AN ACT TO ESTABLISH A BOARD OF WATER COMMISSIONERS
IN THE TOWN OF SAUGUS AND TO AUTHORIZE SAID TOWN
TO EXTEND ITS WATER SYSTEM. Chap. 91

Be it enacted, etc., as follows:

SECTION 1. The election heretofore made of water commissioners by the town of Saugus is hereby ratified and confirmed and the doings of the water commissioners so elected are hereby confirmed with the same effect as if the election of such commissioners had been authorized by law. The water commissioners now in office in the said town shall continue to hold office until the expiration of their terms, and shall perform the duties and have the powers of water commissioners as prescribed by general law and by this act. At the next annual town meeting in the said town a water commissioner to serve for the term of three years shall be elected to fill the vacancy which will occur at that time, and thereafter at every annual town meeting one such commissioner shall be elected by ballot for the term of three years. No person shall be elected as such commissioner who holds any other elective town office. Except as may otherwise be provided by law the authority of the town in respect to its water system and the distribution of water in the said town shall be vested in the board of water commissioners who shall be subject, however, to such instructions and regulations as the town may establish by vote. Any vacancy occurring in the said board from any cause may be filled for the unexpired term at any legal town meeting held for the purpose.

Election of
water com-
missioners
ratified, etc.

SECTION 2. Said town is hereby authorized to extend and improve its water supply system and to expend therefor a sum not exceeding fifty thousand dollars, and for that purpose may issue from time to time bonds, notes or scrip to an amount not exceeding fifty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of Saugus Water Loan, Act of 1911; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, or earlier at the option of the town; shall bear interest payable semi-annually at a rate not exceeding

Town of
Saugus
Water Loan,
Act of 1911.

five per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners. The town may sell the said securities at public or private sale upon such terms and conditions as it may deem proper, but they shall not be sold for less than their par value.

Payment of
loan.

SECTION 3. The town shall at the time of authorizing the said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed, the amount required thereby shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed, until the debt incurred by said loan is extinguished.

Commis-
sioners to
fix rates, etc.

SECTION 4. The water commissioners shall fix just and equitable prices and rates for the use of the water and shall prescribe the time and manner of payment. The income so derived shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds, notes or scrip issued under authority of this act. Said commissioners shall annually render a report of the works under their charge and an account of their doings, including an account of receipts and expenditures.

Time of
taking effect.

SECTION 5. This act shall take effect upon its acceptance by a majority of the legal voters of the town of Saugus present and voting thereon at an annual meeting or at a legal meeting called for the purpose within one year after its passage; and for the purpose of being submitted to the voters as aforesaid, this act shall take effect upon its passage.

Approved March 2, 1911.

Chap. 92 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE WIDOW OF CHARLES DUFFY.

Be it enacted, etc., as follows:

The city of
Boston may
pay a sum
of money to
Catharine
Duffy.

SECTION 1. The city of Boston is hereby authorized to pay to Catharine Duffy a sum not exceeding three hundred and fifty dollars on account of the death of her husband, Charles Duffy, who died from injuries received while in the performance of his duties as an employee of said city, December seventeenth, nineteen hundred and eight.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1911.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE THOMAS CRANE PUBLIC LIBRARY OF QUINCY TO HOLD PROPERTY TO THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS. *Chap. 93*

Be it enacted, etc., as follows:

The Trustees of the Thomas Crane Public Library of Quincy are hereby authorized to take and hold real and personal estate to an amount not exceeding two hundred thousand dollars, which may be given, granted, conveyed, bequeathed or devised to it and accepted by the trustees for the benefit of the public library of the city of Quincy or for any purpose connected therewith: *provided*, that both the principal and income thereof shall be appropriated in accordance with the terms of the gift, devise or bequest, under the direction of said corporation.

The Trustees of the Thomas Crane Public Library of Quincy may hold real and personal estate, etc.

Proviso.

Approved March 2, 1911.

AN ACT RELATIVE TO THE PAYMENT OF BONDS ISSUED BY THE CITY OF TAUNTON FOR AN ADDITIONAL WATER LOAN. *Chap. 94*

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter two hundred and forty of the acts of the year nineteen hundred and nine is hereby amended by striking out the words "first issue of any", in the fourth line, and inserting in place thereof the words: — date of each respective issue, — so as to read as follows: — *Section 2.* Said city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the date of each respective issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of the city in each year thereafter, in the same manner in which other taxes are assessed, under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished.

1909, 240, § 2, amended.

Payment of water loan.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1911.

Chap. 95 AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO PURCHASE
SHARES OF THE CAPITAL STOCK, BONDS AND NOTES OF CER-
TAIN RAILWAYS AND RAILROADS.

Be it enacted, etc., as follows:

The town of
Plymouth
may acquire
shares of the
capital stock,
etc., of the
Plymouth and
Sandwich
Street Rail-
way Com-
pany, etc.

Provisos.

May issue
bonds, notes,
etc.

Payment of
loan.

SECTION 1. The town of Plymouth is hereby authorized to subscribe for, purchase, and hold shares of the capital stock, bonds and notes of the Plymouth and Sandwich Street Railway Company, or of any railway or railroad or electric railroad company authorized to construct a railway or railroad between Plymouth and Sandwich, to an amount not exceeding in the aggregate fifty thousand dollars: *pro-
vided*, that such subscription or purchase is authorized by a two thirds vote of the voters present and voting thereon at any legal town meeting called for the purpose within five years after the passage of this act; and *provided, further*, that no such subscription or purchase shall be made until the board of railroad commissioners shall have been satisfied that reasonably sufficient financial arrangements have been made to permit the completion of said railway, railroad, or electric railroad from Plymouth to Sandwich.

SECTION 2. The town of Plymouth for the purpose of raising money to be expended for the purposes aforesaid, may issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate fifty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of Plymouth Railroad Loan, Act of 1911, shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by a majority of the board of selectmen. The town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper, provided that the securities shall not be sold for less than their par value.

SECTION 3. The town of Plymouth shall at the time of authorizing said loan provide for the payment thereof in such annual payments, as nearly equal in amount as practicable, as will extinguish the same within the time prescribed by this act, and when a vote to that effect has been passed a sum which, with the income derived from the said

railway or railroad securities, will be sufficient to pay the interest as it accrues on the said bonds, notes or scrip, and make such payments on the principal as may be required under the provisions of this act, shall, without further vote, be assessed and collected by the town in each year thereafter in a manner similar to that in which other taxes are assessed, until the debt incurred by said loan is extinguished.

SECTION 4. This act shall take effect upon its passage.

Approved March 2, 1911.

AN ACT TO AUTHORIZE THE TOWN OF SANDWICH TO PURCHASE SHARES OF THE CAPITAL STOCK, BONDS AND NOTES OF CERTAIN RAILWAYS AND RAILROADS.

Chap. 96

Be it enacted, etc., as follows:

SECTION 1. The town of Sandwich is hereby authorized to subscribe for, purchase, and hold shares of the capital stock, bonds and notes of the Plymouth and Sandwich Street Railway Company, or of any railway or railroad or electric railroad company authorized to construct a railway or railroad between Plymouth and Sandwich, to an amount not exceeding in the aggregate fifteen thousand dollars: *provided*, that such subscription or purchase is authorized by a two thirds vote of the voters present and voting thereon at any legal town meeting called for the purpose within five years after the passage of this act; and *provided, further*, that no such subscription or purchase shall be made until the board of railroad commissioners shall have been satisfied that reasonably sufficient financial arrangements have been made to permit the completion of said railway, railroad, or electric railroad from Plymouth to Sandwich.

The town of Sandwich may acquire shares of the capital stock, etc., of the Plymouth and Sandwich Street Railway Company, etc.

Provisos.

SECTION 2. The town of Sandwich, for the purpose of raising money to be expended for the purposes aforesaid, may issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate fifteen thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of Sandwich Railroad Loan, Act of 1911, shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by a majority of the board of selectmen. The town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of

May issue bonds, notes, etc.

this act, upon such terms and conditions as it may deem proper, provided that the securities shall not be sold for less than their par value.

Payment of
loan.

SECTION 3. The town of Sandwich shall at the time of authorizing said loan provide for the payment thereof in such annual payments, as nearly equal in amount as practicable, as will extinguish the same within the time prescribed by this act, and when a vote to that effect has been passed a sum which, with the income derived from the said railway or railroad securities, will be sufficient to pay the interest as it accrues on the said bonds, notes or scrip, and to make such payments on the principal as may be required under the provisions of this act, shall, without further vote, be assessed and collected by the town annually thereafter, in a manner similar to that in which other taxes are assessed, until the debt secured by said loan is extinguished.

SECTION 4. This act shall take effect upon its passage.

Approved March 2, 1911.

Chap. 97 AN ACT TO AUTHORIZE THE TOWN OF STOUGHTON TO EXTEND
ITS WATER SYSTEM.

Be it enacted, etc., as follows:

The town of
Stoughton
may extend
its water
system.

SECTION 1. The town of Stoughton is hereby authorized to extend its water system in the streets and places designated by votes of the town passed at a special town meeting held on the ninth day of November, nineteen hundred and ten, or to make such extensions of its water supply as such town may from time to time determine upon under this act, and the town is hereby authorized to lay pipes and dig up public or private ways and to do such other things as may be necessary for this purpose.

May issue
notes or
bonds, etc.

SECTION 2. To meet the expenses incurred under authority of this act the town may issue notes or bonds to an amount not exceeding fourteen thousand dollars. Such notes or bonds shall bear on their face the words, Town of Stoughton Water Loan, Act of 1911; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest payable semi-annually at a rate not exceeding four and one half per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners. The town may sell the said securities at public or private sale upon such terms and

conditions as it may deem proper: *provided*, that they shall not be sold for less than their par value. Proviso.

SECTION 3. The town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than three years after the issue of any of said notes or bonds, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the notes or bonds issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the assessors of the town in each year thereafter, in a manner similar to that in which other taxes are assessed, until the debt incurred by said loan is extinguished. Payment of loan.

SECTION 4. This act shall take effect upon its passage.

Approved March 2, 1911.

AN ACT RELATIVE TO THE FILING OF CERTIFICATES OF NOMINATION AND NOMINATION PAPERS FOR THE ELECTION OF TOWN OFFICERS IN THE TOWN OF MENDON FOR THE YEAR NINETEEN HUNDRED AND ELEVEN. Chap. 98

Be it enacted, etc., as follows:

SECTION 1. All certificates of nomination for town offices in the town of Mendon filed on or before the second Saturday, and nomination papers filed on or before the Monday, preceding the annual town election shall, for the year nineteen hundred and eleven, be valid. Certain acts of the town of Mendon legalized.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1911.

AN ACT RELATIVE TO THE FILING OF CERTIFICATES OF NOMINATION AND NOMINATION PAPERS FOR THE ELECTION OF TOWN OFFICERS IN THE TOWN OF ROCKLAND FOR THE YEAR NINETEEN HUNDRED AND ELEVEN. Chap. 99

Be it enacted, etc., as follows:

SECTION 1. All certificates of nomination for town offices in the town of Rockland filed on or before the second Saturday, and nomination papers filed on or before the Monday, Certain acts of the town of Rockland legalized.

preceding the annual town election shall, for the year nineteen hundred and eleven, be valid.

SECTION 2. This act shall take effect upon its passage.
Approved March 3, 1911.

*Chap.*100 AN ACT RELATIVE TO THE MAINTENANCE OF A HIGH SCHOOL
IN THE TOWN OF SHERBORN.

Be it enacted, etc., as follows:

Maintenance
of a high
school in the
town of Sher-
born.

SECTION 1. The trustees of Sawin Academy in the town of Sherborn and the school committee of the town are hereby authorized to enter into an agreement for conducting according to law, a school in the said academy, under the order and superintendence of the authorities of the town, and during the term of such agreement or of any renewal thereof the town shall be considered as maintaining a high school.

SECTION 2. This act shall take effect upon its passage.
Approved March 4, 1911.

*Chap.*101 AN ACT RELATIVE TO THE PROTECTION OF GAME BIRDS AND
WATER FOWL.

Be it enacted, etc., as follows:

1910, 533,
§ 1, amended.

Taking of
game birds
and water
fowl regu-
lated.

Section one of chapter five hundred and thirty-three of the acts of the year nineteen hundred and ten is hereby amended by inserting after the word “snare”, in the second line, the words: — or for the purpose of killing a game bird or water fowl to construct or set a trap, net or snare, — so as to read as follows: — *Section 1.* It shall be unlawful to take or kill a game bird or water fowl by means of a trap, net or snare, or for the purpose of killing a game bird or water fowl to construct or set a trap, net or snare, or to pursue, shoot at or kill any wild fowl, or any of the so-called, shore, marsh and beach birds, with a swivel or pivot gun, or by the use of a torch, jack or artificial light, or by the aid or use of any boat or floating device propelled by steam, naphtha, gasolene, electricity, compressed air, or any similar motive power, or by any mechanical means other than sails, oars or paddles. But the provisions of this chapter shall not apply to persons shooting at, or killing said birds from such boats or floating devices if the same are at anchor.

Approved March 4, 1911.

AN ACT TO AUTHORIZE THE TOWN OF GARDNER TO INCUR INDEBTEDNESS FOR SEWERAGE PURPOSES. Chap. 102

Be it enacted, etc., as follows:

SECTION 1. The town of Gardner, for the purposes specified in chapter sixty-four of the acts of the year eighteen hundred and ninety, as amended by chapter two hundred and twelve of the acts of the year nineteen hundred, may incur indebtedness from time to time to an amount not exceeding one hundred thousand dollars, in addition to the amount already authorized by law, and may issue from time to time notes, bonds or scrip therefor; and said securities shall not be reckoned in determining the statutory limit of indebtedness of the town. Such notes, bonds or scrip shall be denominated on the face thereof, Sewer Scrip of the Town of Gardner, Act of 1890, issued under authority of the act of nineteen hundred and eleven, shall be payable within periods not exceeding thirty years from the dates of issue, and shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum. They shall be signed by the treasurer of the town and countersigned by a majority of the selectmen. The town may from time to time sell such securities or any part thereof at public or private sale, on such terms and conditions as it may deem proper: *provided*, that they shall not be sold for less than their par value.

Sewer Scrip
of the Town
of Gardner,
Act of 1890.

Proviso.

SECTION 2. The town shall at the time of authorizing said loan, provide by a majority vote for the payment thereof in such annual payments as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, the amount required thereby shall without further vote be assessed by the assessors of the town annually thereafter, in the same manner in which other taxes are assessed, until the debt incurred by the said loan is extinguished.

Payment of
loan.

SECTION 3. This act shall take effect upon its passage.

Approved March 4, 1911.

Chap.103 AN ACT TO PROHIBIT THE TAKING OF FISH BY MEANS OF TORCHES OR OTHER ARTIFICIAL LIGHT IN THE WATERS OF THE TOWN OF KINGSTON.

Be it enacted, etc., as follows:

1910, 494,
§ 1, amended.

Regulating
the taking of
fish by arti-
ficial light in
certain waters.

Proviso.

Section one of chapter four hundred and ninety-four of the acts of the year nineteen hundred and ten is hereby amended by inserting after the word "Head", in the seventh line, the words: — or in the waters of the town of Kingston, — and also by inserting after the word "Duxbury", in the eighth line, the word: — Kingston, — so as to read as follows: — *Section 1.* It shall be unlawful for any person to display torches or other light designed or used for the purpose of taking herring or other fish in any of the waters of Cohasset and Scituate southwesterly of a line drawn from Little Black Rock to Gull Island, or in the waters of Duxbury and Plymouth harbors westerly of a line drawn from Pier Head to Saquish Head, or in the waters of the town of Kingston: *provided, however,* that the selectmen of the towns of Cohasset, Scituate, Duxbury, Kingston and Plymouth may grant permits for the display of torches or other light for the purposes aforesaid, within the limits of their respective towns as herein described, with such restrictions as in their judgment will prevent the same from constituting a nuisance; and they may at any time revoke any such permit.

Approved March 4, 1911.

Chap.104 AN ACT RELATIVE TO THE STATE INFIRMARY AND THE STATE FARM.

Be it enacted, etc., as follows:

R. L. 85,
amended.

Chapter eighty-five of the Revised Laws is hereby amended by striking out the words "state hospital", wherever those words occur in the said chapter, and inserting in place thereof the words: — state infirmary.

Approved March 4, 1911.

Chap.105 AN ACT TO AUTHORIZE THE JOSEPH WARREN MONUMENT ASSOCIATION TO TRANSFER ITS PROPERTY TO THE ROXBURY HISTORICAL SOCIETY.

Be it enacted, etc., as follows:

1874, 250,
§ 3, amended.

SECTION 1. Section three of chapter two hundred and fifty of the acts of the year eighteen hundred and seventy-

four is hereby amended by striking out the words "the city of Boston", in the third line, and inserting in place thereof the words: — the Roxbury Historical Society, — so as to read as follows: — *Section 3.* Upon the completion of said monument said corporation may convey the same and all the property held by said corporation, to the Roxbury Historical Society, together with any surplus of the fund raised for the erection of said monument; such surplus to be devoted to the maintenance of said monument and the repairs, adornment and enlargement of the grounds about the same.

Certain property may be conveyed to the Roxbury Historical Society.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1911.

AN ACT RELATIVE TO THE TAXATION OF PARISH PROPERTY *Chap.106*
IN THE TOWN OF MASHPEE.

Be it enacted, etc., as follows:

SECTION 1. The assessors of the Indian town of Mashpee, whose inhabitants were lately wards of the state, are hereby authorized to abate the tax assessed in the years nineteen hundred and nine and nineteen hundred and ten on the parish house and parish lands in that town. The said property shall be exempt from taxation for a period of ten years: *provided*, that it shall be used by said Indian parish as it has been used heretofore.

Tax on certain property in the town of Mashpee may be abated.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1911.

AN ACT TO PROHIBIT BEAM TRAWLING IN BOSTON HARBOR. *Chap.107*

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful for any person to practice beam trawling in Boston harbor or to take or attempt to take any fish by that method.

Beam trawling prohibited in Boston harbor.

SECTION 2. Whoever violates the provisions of this act shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding three months, or by both such fine and imprisonment.

Penalty.

Approved March 4, 1911.

Chap. 108 AN ACT TO AUTHORIZE THE TOWN OF DANVERS TO DISTRIBUTE
ELECTRICITY IN THE TOWNS OF NORTH READING AND MID-
DLETON.

Be it enacted, etc., as follows:

The town of
Danvers may
supply elec-
tricity to
certain other
towns.

SECTION 1. The town of Danvers is hereby authorized to supply electricity for its municipal use in the towns of North Reading and Middleton, and to sell and distribute electricity to the Middleton Electric Light Company, to such of the inhabitants of the town of Middleton as are now supplied by the town of Danvers, and, with the consent of the Middleton Electric Light Company, to the town of Middleton for municipal use, and to such of the inhabitants of the town of Middleton as may hereafter apply to the town of Danvers therefor, with the same rights and privileges and subject to the same conditions, limitations and obligations as it may now or hereafter have or be subject to with respect to the sale and distribution of electricity within its own boundaries. No contract to supply the Middleton Electric Light Company shall be made for a period of more than ten years.

May con-
struct and
maintain
lines, etc.

Proviso.

SECTION 2. The town of Danvers may construct and maintain in the towns of North Reading and Middleton lines for the transmission of electricity for the purposes mentioned in section one: *provided, however*, that it shall obtain from the selectmen of the towns of Middleton and North Reading locations for all poles, wires and other distributing apparatus constructed and maintained for the purposes aforesaid upon, along, under or across any public ways within the said towns, in the same manner and upon the same terms as are provided by law for companies incorporated for the transmission of electricity for light, heat or power.

Certain acts
ratified.

SECTION 3. All acts of the town of Danvers or its duly constituted officers heretofore done with intent to exercise the authority conferred by this act are hereby ratified and confirmed.

The town of
Middleton
may purchase
plant, etc.

SECTION 4. If the town of Middleton shall hereafter establish an electric lighting plant, it shall, under the provisions of sections ten, eleven and twelve, as amended, of chapter thirty-four of the Revised Laws and of any general laws hereafter enacted relating to the purchase of electric light plants by a city or town, purchase the plant and prop-

erty within its limits owned by the town of Danvers in like manner as if the same were the plant and property of a private person, firm or corporation: *provided, however*, that the town of Danvers shall have no right to refuse to sell its plant and property within the limits of the town of Middleton, but shall sell and convey the same to the town of Middleton within the time and in the manner prescribed by law for the sale to a municipality of electric light plants privately owned, and thereupon the right of the town of Danvers to maintain an electric light plant or to sell electricity within the limits of the town of Middleton shall cease, except that nothing in this section shall prevent the town of Danvers from supplying or continuing to supply itself for its municipal use in the towns of Middleton and North Reading.

Proviso.

SECTION 5. This act shall take effect upon its passage.

Approved March 4, 1911.

AN ACT AUTHORIZING THE TAKING OF CEMETERY LAND FOR
A PUBLIC PARK IN THE TOWN OF HAMILTON. Chap.109

Be it enacted, etc., as follows:

SECTION 1. The board of park commissioners of the town of Hamilton, acting for the town, is hereby authorized to take, for the purpose of a public park, the parcel of land containing about fifty-eight thousand seven hundred and ninety square feet, known as the Wigglesworth cemetery lot, situate on the northwesterly side of Main street in said town. Said parcel is bounded and described as follows: — Southeasterly by said Main street about eighty-four feet; northeasterly by land now or late of Norton about seven hundred and seventy feet; northwesterly, westerly and southwesterly by Cutler's pond, so-called, about three hundred and twenty-five feet to land now or late of Woodbury, and further southwesterly by land now or late of said Woodbury about four hundred ninety-three and five tenths feet to said Main street. The provisions of chapter twenty-eight of the Revised Laws with regard to the taking of land for public parks, including all provisions for the assessment and recovery of damages for land so taken, shall apply to the taking hereby authorized.

Certain cemetery land in the town of Hamilton may be taken for a public park.

Description of land to be taken.

SECTION 2. No land taken hereunder containing the remains of the dead shall be used for the purpose aforesaid until such remains, and the monuments and headstones

Human remains to be removed.

marking them, shall have been removed to such other burial place in the town of Hamilton as the selectmen and park commissioners of the town may designate, or to such other suitable burial place as the relatives or representatives of those whose remains are removed may at their own expense provide.

Notice of removal to be given, etc.

SECTION 3. The removals aforesaid shall be made only after notice thereof once each week for three successive weeks, in some newspaper published in said town or in the adjoining town of Ipswich, or in the city of Salem, the last publication to be at least seven days before the time fixed for said removals. The removals shall be made under the supervision of the selectmen and park commissioners of said town. The remains shall be interred in a proper and suitable manner, and a plan of the ground in the burial place to which such remains may be removed, showing the position of all the known dead so removed, shall be made and filed in the office of the town clerk of Hamilton for future reference.

Town may appropriate money.

SECTION 4. Said town at any legal meeting called for the purpose, or at any annual meeting, may appropriate money necessary for the purposes of this act.

Time of taking effect.

SECTION 5. This act shall take effect upon its acceptance by a majority of the legal voters of said town present and voting thereon, at a town meeting duly called for the purpose, or at any annual town meeting.

Approved March 4, 1911.

Chap.110 AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO INCUR INDEBTEDNESS FOR PURCHASE OF WHARF AND SHORE PROPERTY.

Be it enacted, etc., as follows:

The city of New Bedford may issue bonds, etc., for purchasing wharf and shore property, etc.

SECTION 1. The city of New Bedford, for the purpose of purchasing Central Wharf, so-called, in that city, and also a tract of land thirteen hundred and fifty feet in length, on the west side of West French avenue, the same being shore land bordering on Clark's cove, may incur indebtedness beyond the limit fixed by law to an amount not exceeding twenty-seven thousand dollars, and may issue bonds, notes or scrip therefor. Such bonds, notes or scrip shall be payable within such periods not exceeding ten years from the dates of issue, and shall bear such rate of interest, not exceeding four per cent per annum, payable semi-annually, as the

city council shall determine. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws shall, so far as they may be applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

Certain provisions of law to apply.

SECTION 2. The city council of said city shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and thereafter, without further action by the city council, the amount required for such payments shall be assessed by the assessors of the city in each year, in the same manner in which other taxes are assessed, until the debt incurred by the said loan is extinguished.

Payment of loan.

SECTION 3. This act shall take effect upon its passage.

Approved March 4, 1911.

AN ACT RELATIVE TO THE PAYMENT OF BENEFITS BY SECRET ORDERS OR FRATERNITIES TO FAMILIES OR DEPENDENTS OF DECEASED MEMBERS.

Chap. 111

Be it enacted, etc., as follows:

SECTION 1. A subordinate lodge of a secret order or fraternity, which is hereby declared to be an organization whose principal object is to promote the spirit of brotherhood among its members, in carrying out which purpose the organization transacts business by means of subordinate lodges with a supreme or governing body and a representative form of government and has initiations by certain ritualistic forms and secret means of recognition, and which is not conducted as a business enterprise or for profit, may pay as death benefits to families or dependents of deceased members such sums as its by-laws may determine: *provided*, that the sum shall not exceed two hundred dollars if the membership of the lodge is two hundred or less, and if the membership is over two hundred in number the said sum shall not exceed the amount of an assessment of one dollar upon each member of the subordinate lodge in good standing at the time of the death of the deceased member; and *provided, further*, that such subordinate lodge shall in other respects be subject to the provisions of section twelve of chapter one hundred and nineteen of the Revised Laws, and of all amendments thereof.

Certain secret orders may pay death benefits, etc.

Provisos.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

Approved March 4, 1911.

Chap.112 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE DISTRICT POLICE.

Be it enacted, etc., as follows:

Appropriations, district police.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the district police, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

- Chief. For the salary of the chief, three thousand dollars.
- First clerk. For the salary of the first clerk, fifteen hundred dollars.
- Second clerk. For the salary of the second clerk, one thousand dollars.
- Expenses. For postage, printing, stationery, telephone, telegraph, incidental and contingent office expenses, including the printing and binding of the annual report, a sum not exceeding seventy-five hundred dollars.

DETECTIVE DEPARTMENT.

- Deputy chief, detective department. For the salary of the deputy chief, twenty-four hundred dollars.
- Clerk. For the salary of the clerk, twelve hundred dollars.
- Stenographers. For the salaries of the stenographers, three thousand dollars.
- Compensation of members. For compensation of the members, a sum not exceeding twenty-two thousand eight hundred dollars.
- Fire inspectors. For compensation of fire inspectors, twelve thousand three hundred dollars.
- Travelling expenses. For travelling expenses of the members, a sum not exceeding twelve thousand five hundred dollars.
- Special services, etc. For special services and expenses of persons employed under the direction of the deputy chief of the detective department in the investigation of fires, including witness fees, travel, contingent and incidental expenses, a sum not exceeding two thousand dollars.

INSPECTION DEPARTMENT.

- Deputy chief, inspection department. For the salary of the deputy chief, twenty-four hundred dollars.
- Chief inspector of boilers. For the salary of the chief inspector of boilers, two thousand dollars.

For the salaries of the clerks, fifty-three hundred fifty-eight dollars and thirty-two cents. Clerks.

For the compensation of the members, a sum not exceeding seventy thousand dollars. Compensation of members.

For travelling expenses of the members, a sum not exceeding nineteen thousand dollars. Travelling expenses.

For compensation of the board of boiler rules, a sum not exceeding one thousand dollars. Board of boiler rules.

For expenses of the board of boiler rules, a sum not exceeding one thousand dollars. Expenses.

For expenses of operating the steamer Lexington, used in the enforcement of the fish laws of the commonwealth, a sum not exceeding ninety-five hundred dollars. Steamer Lexington.

For maintaining in good condition apparatus for testing applicants for moving picture licenses and for furnishing supplies to operate the same, a sum not exceeding six hundred dollars. Certain apparatus.

For investigation work and apparatus and for maintenance in the boiler inspection department, a sum not exceeding one thousand dollars. Investigation work, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1911.

AN ACT RELATIVE TO THE RETIREMENT OF CERTAIN VETERANS IN THE SERVICE OF THE CITY OF BOSTON. Chap. 113

Be it enacted, etc., as follows:

SECTION 1. A veteran of the civil war in the service of the city of Boston, if incapacitated for active duty, may be retired from active service, with the consent of the mayor, at one half the rate of compensation paid to him at the time of his retirement, to be paid out of the treasury of the city: *provided*, that no veteran shall be entitled to be retired under the provisions of this act unless he shall have been in the service of the city for at least ten years. Certain veterans in the service of the city of Boston may be retired.

Proviso.

SECTION 2. A veteran retired under the provision of this act, whose term of service was for a fixed number of years, shall be entitled to the benefits of the act without reappointment. Application of act, etc.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved March 8, 1911.

Chap.114 AN ACT TO AUTHORIZE THE SCHOOL OF COMMERCE AND FINANCE OF THE BOSTON YOUNG MEN'S CHRISTIAN ASSOCIATION TO GRANT DEGREES.

Be it enacted, etc., as follows:

The School of Commerce, etc., may confer degrees.

SECTION 1. The School of Commerce and Finance of the Boston Young Men's Christian Association, said school being incorporated under the laws of the commonwealth, is hereby authorized to confer the degree of M.C.S. (Master of Commercial Science,) and the degree of B.C.S. (Bachelor of Commercial Science,) appropriate to the courses of study offered in accordance with the provisions of its charter.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1911.

Chap.115 AN ACT RELATIVE TO THE SALARIES OF THE DOORKEEPERS, ASSISTANT DOORKEEPERS AND MESSENGERS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Be it enacted, etc., as follows:

Salaries of doorkeepers, messengers, etc.

SECTION 1. The annual salary of the doorkeepers of the senate and house of representatives shall be sixteen hundred dollars each, to be allowed from the first day of December, nineteen hundred and ten. The annual salary of the assistant doorkeepers of the senate and house of representatives shall be eleven hundred dollars each, and the annual salary of the messengers of the senate and house of representatives shall be one thousand dollars each, to be allowed from the first day of January, nineteen hundred and eleven. These salaries shall be payable monthly from the treasury of the commonwealth.

Repeal.

SECTION 2. So much of sections eleven and twelve of chapter ten of the Revised Laws and of any other acts as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the first day of March, 1911, and after five days it had "the force of a law" as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A MALE *Chap.116*
ASSISTANT PROBATION OFFICER FOR THE MUNICIPAL COURT
OF THE ROXBURY DISTRICT OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Section eighty-one of chapter two hundred and seventeen of the Revised Laws, as amended by chapter two hundred and ninety-five of the acts of the year nineteen hundred and five, and by chapter three hundred and twenty-nine of the acts of the year nineteen hundred and six, and by chapter two hundred and sixty-one of the acts of the year nineteen hundred and seven, and by chapter three hundred and thirty-two of the acts of the year nineteen hundred and ten, is hereby further amended by inserting after the words "assistant probation officer", in the eleventh line, the words: — and said justice of the municipal court of the Roxbury district may also appoint one male assistant probation officer, — so as to read as follows:—

R. L. 217,
§ 81, etc.,
amended.

Section 81. The superior court may appoint probation officers and the justice of each police, district or municipal court and the chief justice of the municipal court of the city of Boston shall appoint one probation officer. Said chief justice may also appoint not more than eight male and three female assistant probation officers. The justice of the municipal court of the South Boston district and the justice of the municipal court of the Roxbury district and the justice of the third district court of Eastern Middlesex, may also each appoint one female assistant probation officer, and said justice of the municipal court of the Roxbury district may also appoint one male assistant probation officer. Each probation officer and assistant probation officer so appointed shall hold his office during the pleasure of the court which makes the appointment.

Probation
officers,
appointment,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1911.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES *Chap.117*
IN THE DEPARTMENT OF THE SERGEANT-AT-ARMS.

Be it enacted, etc., as follows

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for salaries and expenses

Appropriations.

in the department of the sergeant-at-arms, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit:—

Sergeant-at-arms.

For the salary of the sergeant-at-arms, thirty-five hundred dollars.

First clerk.

For the salary of the first clerk, twenty-two hundred dollars.

Cashier.

For the salary of the cashier, a sum not exceeding one thousand dollars.

Additional clerks.

For the salaries of additional clerks, the sum of twenty-eight hundred dollars.

Expenses.

For incidental and contingent expenses and expense of mailing legislative bulletins, a sum not exceeding four hundred and fifty dollars.

Chief engineer, etc.

For the salaries of the chief engineer and other employees in the engineer's department, a sum not exceeding thirty thousand nine hundred and forty dollars.

Watchmen, etc.

For the salaries of the watchmen and assistant watchmen, a sum not exceeding fourteen thousand six hundred dollars.

Stationery, etc.

For books, stationery, postage, printing and advertising, ordered by the sergeant-at-arms, a sum not exceeding twelve hundred dollars.

Messengers, etc.

For the salaries of the messengers, porters and office boy, a sum not exceeding eighty-two hundred and sixty dollars.

Telephones, etc.

For rent of telephones and expenses in connection therewith, a sum not exceeding eighty-two hundred dollars.

Heat, light, etc.

For heat, light and power, including coal, water, gas and removal of ashes, a sum not exceeding thirty-five thousand dollars.

Care of state house, etc.

For the care of the state house and grounds, including repairs, furniture and repairs thereof, the regilding of the dome of the state house, and such expenses as may be necessary at the various buildings now occupied by state departments, a sum not exceeding thirty thousand eight hundred dollars.

Furniture and fixtures.

For new furniture and fixtures, a sum not exceeding six thousand dollars.

Matron.

For the salary of the matron, a sum not exceeding eight hundred and fifty dollars.

Carpenter.

For the salary of the carpenter, the sum of fourteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1911.

AN ACT RELATIVE TO THE PROTECTION AND SALE OF HARES *Chap.118*
AND RABBITS.

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful to hunt, take or kill a hare or rabbit between the first day of March and the fifteenth day of October, both inclusive, or to buy or sell or offer for sale a hare or rabbit taken or killed during the said period in this commonwealth, or taken or killed at any time contrary to the laws of any other state or country. But any person may buy or sell hares or rabbits at any time: *provided*, that they were not taken or killed contrary to the laws of this commonwealth or of any other state or country.

Protection
and sale of
hares and
rabbits.

Proviso.

SECTION 2. It shall be unlawful at any time to remove or attempt to remove a hare or rabbit from any hole in the ground or from any stone wall or from under any ledge or stone or log or tree, and it shall be unlawful to take or kill a hare or rabbit by a trap, snare or net, or for that purpose to construct or set a trap, snare or net, or to use a ferret. The possession of a ferret in a place where hares or rabbits might be taken or killed shall be *prima facie* evidence that the person having the ferret in possession has used it for taking and killing hares or rabbits contrary to law. Ferrets used in violation hereof shall be confiscated.

Certain acts
unlawful, etc.

SECTION 3. This act shall not be construed to prohibit farmers and fruit growers from trapping rabbits in box traps at any time during the year: *provided*, first, that such trapping is done on land owned or leased by the person setting the trap and used for the raising of fruit, vegetables or other products by the person so trapping; secondly, that the person so trapping shall first have made an affidavit before a justice of the peace that hares or rabbits have injured fruit, vegetables or other products on his said premises and shall have forwarded the affidavit so made to the commissioners on fisheries and game; and thirdly, that the said commissioners have issued to him a permit so to trap. It shall be unlawful to barter or sell hares or rabbits trapped in accordance with the provisions of this section.

Certain
rights of
farmers, etc.
Proviso.

SECTION 4. Chapter four hundred and sixty-six of the acts of the year nineteen hundred and nine and section two of chapter five hundred and thirty-three of the acts of the year nineteen hundred and ten are hereby repealed.

Repeal.

Penalty.

SECTION 5. Whoever violates any provision of this act shall be punished by a fine not exceeding ten dollars for each offence.

Approved March 8, 1911.

Chap. 119 AN ACT RELATIVE TO QUALIFICATIONS FOR EXAMINATION BY
THE CIVIL SERVICE COMMISSION.

Be it enacted, etc., as follows:

R. L. 19, § 12,
amended.

SECTION 1. Section twelve of chapter nineteen of the Revised Laws is hereby amended by inserting after the word "service", in the seventh line, the words: — *provided, however*, that no question shall be asked in such application or in any examination requiring a statement as to any offence committed before the applicant reached the age of sixteen years, except in the case of applicants for police and prison service, — so as to read as follows: — *Section 12.* Every application shall state under oath the full name, residence and post office address, citizenship, age, place of birth, health and physical capacity, right of preference as a veteran, previous employment in the public service, business or employment and residence for the previous five years, and education of the applicant, and such other information as may reasonably be required relative to his fitness for the public service: *provided, however*, that no question shall be asked in such application or in any examination requiring a statement as to any offence committed before the applicant reached the age of sixteen years, except in the case of applicants for police and prison service.

Statement of
applicants
for examina-
tion.

Proviso.

Applicants for positions in the labor service of the commonwealth or of the cities thereof shall, to the number of five hundred, be allowed to register on the first Monday of February, May, August and November in each year, at the places appointed therefor.

Labor
service.

SECTION 2. This act shall take effect upon its passage.

(This bill, returned by the governor to the house of representatives, the branch in which it originated, with his objections thereto, was passed by the house of representatives March 3, and, in concurrence, by the senate March 8, the objections of the governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law".)

AN ACT RELATIVE TO THE LIABILITY OF COMMON CARRIERS *Chap.120*
FOR THE SAFETY OF PASSENGERS.

Be it enacted, etc., as follows:

SECTION 1. No common carrier of passengers shall by rule, regulation, sign or otherwise, require passengers whom it suffers to enter, or leave by, a door of its car or train, to do so at their own risk; and no such passenger shall be prevented from recovering compensation in damages for any injury by reason of any such rule, regulation, sign or requirement.

Liability of
common
carriers.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1911.

AN ACT RELATIVE TO NAMING CO-RESPONDENTS IN LIBELS *Chap.121*
FOR DIVORCE FOR ADULTERY.

Be it enacted, etc., as follows:

SECTION 1. In an action for divorce, wherein the commission of adultery by either party is alleged as ground for the divorce or as ground for contesting the divorce, no libel, cross-libel or answer at the time of filing shall name any person as co-respondent. The party alleging such adultery, may by motion, after the libel has been entered, upon an ex parte hearing before a justice of the superior court, obtain permission to amend his libel, cross-libel or answer by inserting the name of the co-respondent if the justice finds probable cause has been shown to believe that such accused person has committed adultery with the libellee or libellant, and thereupon notice shall be sent to said co-respondent and to the other party to the action.

In an action for
divorce persons
not to be named
as co-respond-
ent, etc.

SECTION 2. The evidence produced at such ex parte hearing shall not be reported or made a part of the record in the case and the motion for said amendment shall not be read to the court during the divorce proceedings, but the clerk of the court shall make an entry in the docket of "Motion to insert name of co-respondent allowed", or "Motion to insert name of co-respondent denied", as the case may be.

Evidence not
to be made
a part of the
record, etc.

Approved March 9, 1911.

Chap.122 AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE TREASURER OF THE COUNTY OF HAMPSHIRE.

Be it enacted, etc., as follows:

Clerical assistance for the treasurer of Hampshire county.

SECTION 1. The treasurer of the county of Hampshire shall annually be allowed from the treasury of the county the sum of four hundred dollars for clerical assistance.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1911.

Chap.123 AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO INCUR INDEBTEDNESS FOR A NEW SCHOOLHOUSE.

Be it enacted, etc., as follows:

The city of New Bedford may borrow money for constructing a new school-house.

SECTION 1. The city of New Bedford, for the purpose of constructing and furnishing a schoolhouse in the south part of the city and for the purchase of land therefor, may incur indebtedness beyond the limit fixed by law to an amount not exceeding one hundred and seventy-five thousand dollars, and may issue bonds, notes or scrip therefor. Such bonds, notes or scrip shall be payable within such periods, not exceeding twenty years from the dates of issue, and shall bear such rate of interest, not exceeding four per cent per annum, payable semi-annually, as the city council shall determine. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws shall, so far as they may be applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

Payment of loan.

SECTION 2. The city council of said city shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and thereafter, without further action by the city council, the amount required for such payments shall be assessed by the assessors of the city in each year, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of Part I. of chapter four hundred and ninety of the acts of the year nineteen hundred and nine, until the debt incurred by the said loan is extinguished.

SECTION 3. This act shall take effect upon its passage.

Approved March 9, 1911.

AN ACT RELATIVE TO THE TAKING OF LAND BY THE TOWN *Chap.124*
OF DANVERS FOR ITS ELECTRIC LIGHT PLANT.

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter three hundred and seventy-eight of the acts of the year eighteen hundred and ninety-one is hereby amended by inserting after the word "take", in the third line, the words: — or acquire by purchase or otherwise, — by inserting after the word "any", in said third line, the word: — additional, — and by striking out the words "one acre", in the fourth line, and inserting in place thereof the words: — three acres, — so as to read as follows: — *Section 6.* For the purposes of this act said town may use any unoccupied land now owned by it, or may take or acquire by purchase or otherwise, at a meeting called for that purpose, any additional land within its limits not exceeding three acres and not already appropriated to public uses. The selectmen of said town shall, within sixty days after said taking, file in the registry of deeds for the southern district of the county of Essex such a description of the land so taken as is required in a common conveyance, and a statement of the purpose for which the land is taken, which description and statement shall be signed by the selectmen or a major part of them, and the title of such land shall vest in the town of Danvers from the date of such filing.

1891, 378,
§ 6, amended.

Taking of
land, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1911.

AN ACT TO INCORPORATE THE WADSWORTH CEMETERY ASSO- *Chap.125*
CIATION.

Be it enacted, etc., as follows:

SECTION 1. James O. Perry, Wallace P. Perry, Wilbert O. Dwinell, James A. Perry, Charles H. Preston, Caroline P. Cook, Charles R. Tapley, Luther G. Straw, Sarah P. White, Alfred Hutchinson, Charles B. Rice, Alden P. White, Edward H. Chandler, Edward E. Woodman, Charles S. Bodwell, Lucy F. Putnam, Walter K. Biglow, George B. Sears, Oscar R. Bodwell, S. Evalyn Marston, their associates and successors, are hereby made a corporation, by the name of the Wadsworth Cemetery Association, for the purpose of acquiring, holding, maintaining, improving and enlarg-

Wadsworth
Cemetery
Association
incorporated.

ing, for a place of burial for the dead, certain land set apart and known as Wadsworth cemetery, situated on the westerly side of Summer street in the town of Danvers, containing about one acre and seventy-four square rods, and being described in two deeds from Benjamin Wadsworth to the inhabitants of the North Parish in Danvers, dated respectively, April 8, 1825, and June 16, 1826, and recorded, respectively, in Essex South District Registry of Deeds, in book 238, page 27, and book 244, page 104, and since the date of said deeds cared for and maintained by the First Religious Society in Danvers, the successor of the North Parish in Danvers. The said corporation shall have all the powers and privileges and shall be subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force relating to such corporations.

Membership.

SECTION 2. In addition to the persons named in section one, the owner, or the representative of the owners, of any burial lot in said cemetery may become a member of the corporation by signing the by-laws, which by-laws shall prescribe the manner of determination of such ownership and representation, and shall prescribe how and when membership shall cease. The First Religious Society in Danvers may at its first annual meeting held after the passage of this act choose nine of its members, three for the term of three years, three for two years and three for one year, and thereafter at each succeeding annual meeting, three for three years, which persons shall be designated as said society's representative members of said cemetery corporation, and such persons for and during their respective terms of election shall have full powers of membership in said cemetery corporation.

May acquire possession of a certain cemetery.

SECTION 3. Said corporation is hereby authorized to acquire possession and control of said cemetery, and may purchase from time to time, and may acquire by gift, bequest, devise or otherwise, and may hold so much real and personal property as may be necessary or appropriate for the purposes of the corporation: *provided*, that nothing herein contained shall affect the individual rights of proprietors in said cemetery. The said First Religious Society is hereby authorized to convey to said corporation all its right, title and interest in the lands which are described in the deeds mentioned in section one, and in all other property, or rights appertaining thereto which said society has or is entitled to have, including all moneys and funds belonging

Proviso.

to said cemetery; *provided*, that the majority of the legal voters of said society present and voting thereon, shall vote so to do at its annual meeting, or at any meeting duly called for that purpose. Proviso.

SECTION 4. The net proceeds of the sale of lots in the lands of the corporation and all income received from any other source by the corporation, the use of which is not determined by a trust, shall be applied exclusively to the care, maintenance, improvement or embellishment of its cemetery and the structures therein, or to the purchase of additional land for cemetery purposes, and to the payment of current and incidental expenses of the cemetery, and to no other purpose. Proceeds of sale of lots, etc.

SECTION 5. Said corporation is authorized to take and hold any grant, gift or bequest of property in trust or otherwise, for the care, protection, embellishment, improvement or extension of its cemetery, or for the care, embellishment, protection or improvement of any lot therein, or for the care, repair, preservation or removal of any monument, tomb, fence or other structure therein, or for planting a lot or its vicinity with trees or shrubs; and when such gift or bequest is made the said corporation may give to the person making the same or to his representative an obligation binding the corporation to fulfil the terms of the trust. Gifts, bequests, etc.

SECTION 6. The officers of the corporation shall consist of five directors, of whom at least two shall be members either of the First Religious Society in Danvers, or of the First Church with which said society is connected, a treasurer and a clerk, who shall be elected at the annual meeting of the corporation, a president to be elected annually by the directors from their number, and such other officers as may be provided for by the by-laws. The officers shall each be elected for one year and until a successor is elected and qualified. The directors shall have the general management of the property, expenditures and affairs of the corporation, and the sale of lots in said cemetery, and shall make a report of their doings to the corporation at its annual meetings. If a vacancy occurs in the board of directors or in the office of treasurer or clerk it may be filled for the unexpired term at any special meeting of the corporation. Directors, etc., election, etc.

SECTION 7. This act shall take effect upon its passage. Vacancy.

Approved March 9, 1911.

Chap.126

AN ACT RELATIVE TO PETIT LARCENY.

Be it enacted, etc., as follows:

Repeal.

Section thirty of chapter two hundred and eight of the Revised Laws, as amended by chapter three hundred and eighty-nine of the acts of the year nineteen hundred and ten, relative to the punishment for petit larceny, is hereby repealed.

Approved March 11, 1911.

Chap.127

AN ACT RELATIVE TO THE REPORTING OF CRIMINAL OFFENCES
IN DIVORCE CASES TO THE DISTRICT ATTORNEY.

Be it enacted, etc., as follows:

R. L. 152,
§ 41,
amended.

Section forty-one of chapter one hundred and fifty-two of the Revised Laws is hereby amended by inserting after the word “crime”, in the second line, the words: — other than adultery, — by inserting after the word “proper”, in the eighth line, the words: — but if the divorce is granted because of adultery the court shall cause notice of such facts, information and list of witnesses to be given to the district attorney, — and by striking out the word “shall”, in the ninth and in the eleventh lines, and inserting in place thereof the word: — may, — so as to read as follows: —
Section 41. If a divorce is granted for a cause which constitutes a crime, other than adultery, committed within this commonwealth and within the time provided by law for making complaints and finding indictments therefor, the court which grants the divorce may in its discretion cause notice of such facts to be given by the clerk of the court to the district attorney for the county in which such crime was committed, with a list of the witnesses proving such crime and any other information which the court may consider proper, but if the divorce is granted because of adultery the court shall cause notice of such facts, information and list of witnesses to be given to the district attorney, and thereupon the district attorney may cause complaint therefor to be made before a magistrate having jurisdiction thereof, or may present the evidence thereof to the grand jury.

Notice to
district
attorney of
criminal
offences, etc.

Approved March 11, 1911.

AN ACT TO AUTHORIZE THE OLD COLONY TRUST COMPANY, *Chap. 128*
THE MASSACHUSETTS TRUST COMPANY, THE MERCANTILE
TRUST COMPANY AND THE CITY TRUST COMPANY TO MERGE.

Be it enacted, etc., as follows:

SECTION 1. The Old Colony Trust Company, the Massa- Certain trust
chusetts Trust Company, the Mercantile Trust Company companies
and the City Trust Company may apply to the board of authorized to
bank incorporation for authority to merge, and if the board merge.
shall grant such authority the respective boards of directors
of said trust companies may make an agreement for the
merger of the Massachusetts Trust Company, the Mercan-
tile Trust Company and the City Trust Company in the
Old Colony Trust Company, prescribing the terms and con-
ditions thereof and the mode of carrying the same into
effect, which agreement shall be subject to the approval of
the bank commissioner.

SECTION 2. Such merger shall become effective, valid and Merger to be
approved.
binding only when the terms thereof have been approved,
at meetings called for the purpose, by votes of at least two
thirds in interest of the stockholders of each of the contract-
ing trust companies.

SECTION 3. No such merger shall work a dissolution of Corporate
existences of
the merged
companies to
continue, etc.
any of said trust companies or a termination of their several
corporate existences or of their franchises, but the corporate
existence of each trust company so merged shall be continued
by the Old Colony Trust Company, and all their privileges
and franchises and all their rights, titles and interests in
and to any species of property and things in action shall
forthwith without any deed or transfer be vested in said
Old Colony Trust Company to hold and enjoy in the same
manner and to the same extent as the said trust companies
so merged had formerly held and enjoyed the same; but
the several merged trust companies may in their discretion
execute one or more deeds or instruments of conveyance
transferring or confirming all their rights, titles and interests
aforesaid to the Old Colony Trust Company. The rights
of creditors of any trust company so merged shall not in
any manner be impaired by any such merger, and the Old
Colony Trust Company shall upon such merger continue to
exercise and be subject to all the duties, relations, obliga-
tions, trusts and liabilities of such merged trust companies
whether as debtor, depositary, registrar, transfer agent,

executor, administrator, trustee or otherwise, and be held liable to pay and discharge all such debts and liabilities, and to perform all such duties and trusts, in the same manner and to the same extent as if said Old Colony Trust Company had itself incurred the obligation or liability or assumed the duty, relation or trust, and no suit, action or other proceeding then pending before any court or tribunal in which any trust company that may be so merged is a party shall be deemed to have abated or to have been discontinued by reason of such merger.

Capital stock.

SECTION 4. The Old Colony Trust Company may increase its capital stock to the aggregate amount of the authorized capital stocks of its constituent corporations, subject to the provisions of chapter one hundred and eighty-nine of the acts of the year nineteen hundred and five.

Taking of name of merged company forbidden.

SECTION 5. No other corporation shall, for the period of twenty years after the passage of this act, use or take the name of any trust company so merged, without the consent of the Old Colony Trust Company.

Branch office.

SECTION 6. The Old Colony Trust Company shall not maintain after said merger more than one branch office.

SECTION 7. This act shall take effect upon its passage.
Approved March 11, 1911.

Chap.129 AN ACT TO REGULATE PUBLIC LODGING HOUSES IN CERTAIN CITIES.

Be it enacted, etc., as follows:

Certain lodging houses regulated.

SECTION 1. The provisions of chapter two hundred and forty-two of the acts of the year nineteen hundred and four, regulating public lodging houses in cities of over fifty thousand inhabitants, shall also apply to all buildings in said cities maintained for furnishing lodging to transient persons, and not licensed as an inn, in which ten or more persons are lodged, notwithstanding that no price is charged for lodging.

Time of taking effect.

SECTION 2. This act shall take effect on the first day of June in the year nineteen hundred and eleven.
Approved March 11, 1911.

Chap.130 AN ACT RELATIVE TO THE PUNISHMENT OF PERSONS WHO ATTEMPT TO COMMIT CRIMES.

Be it enacted, etc., as follows:

Repeal.

Clause Fourth of section six of chapter two hundred and fifteen of the Revised Laws, which provides that punish-

ment by imprisonment for an attempt to commit a crime shall in no case exceed one half of the greatest punishment which might have been inflicted if the offence attempted had been committed, is hereby repealed.

Approved March 11, 1911.

AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO INCUR INDEBTEDNESS FOR THE PURPOSE OF SEWERAGE CONSTRUCTION. Chap.131

Be it enacted, etc., as follows:

SECTION 1. The city of New Bedford, for the purpose of sewerage construction in that city, may incur indebtedness beyond the limit fixed by law to an amount not exceeding one hundred and fifty thousand dollars, and may issue bonds, notes or scrip therefor. Such bonds, notes or scrip shall be payable within such periods, not exceeding thirty years from the dates of issue, and shall bear such rate of interest, not exceeding four per cent per annum, payable semi-annually, as the city council shall determine. Except as otherwise provided herein the provisions of chapter four hundred and ninety of the acts of the year nineteen hundred and nine shall, so far as they may be applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

The city of New Bedford may borrow money for sewerage construction.

Certain provisions of law to apply.

SECTION 2. The city council of said city shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and thereafter, without further action by the city council, the amount required for such payments shall annually be assessed by the assessors of the city, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of Part I of chapter four hundred and ninety of the acts of the year nineteen hundred and nine, until the debt incurred by the said loan is extinguished.

Payment of loan.

SECTION 3. This act shall take effect upon its passage.

Approved March 11, 1911.

AN ACT TO AUTHORIZE THE CITY OF PITTSFIELD TO INCUR ADDITIONAL INDEBTEDNESS FOR SEWERAGE PURPOSES. Chap.132

Be it enacted, etc., as follows:

SECTION 1. The city of Pittsfield, for the purposes mentioned in chapter three hundred and fifty-seven of the acts of

Pittsfield Sewerage Loan, Act of 1911.

the year eighteen hundred and ninety and acts in amendment thereof or in addition thereto, may issue from time to time bonds, notes or scrip to an amount not exceeding two hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued by said city for sewerage purposes. Such bonds, notes or scrip shall bear on their face the words, Pittsfield Sewerage Loan, Act of 1911; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent per annum; and shall be signed by the treasurer and countersigned by the mayor of the city. The city may sell such securities at public or private sale upon such terms and conditions as it may deem proper: *provided*, that the securities shall not be sold for less than their par value. The city may authorize temporary loans, at a rate of interest not exceeding five per cent per annum, to be made by its mayor and treasurer in anticipation of the bonds hereby authorized.

Proviso.

Payment of
loan.

SECTION 2. The city shall at the time of authorizing the said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of any of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which will be sufficient to pay the interest as it accrues on said bonds, notes or scrip, and to make such payments on the principal as may be required under the provisions of this act, shall, without further vote, be assessed by the assessors of the city in each year thereafter, in a manner similar to that in which other taxes are assessed under the provisions of section thirty-seven of Part I of chapter four hundred and ninety of the acts of the year nineteen hundred and nine, until the debt incurred by said loan is extinguished.

SECTION 3. This act shall take effect upon its passage.

Approved March 11, 1911.

Chap. 133 AN ACT TO CONFIRM THE ELECTION OF CERTAIN OFFICERS
ELECTED BY THE TOWN OF PLYMOUTH.

Be it enacted, etc., as follows:

Election of
certain officers
confirmed.

SECTION 1. The election of town officers by the town of Plymouth at the annual town meeting on the fourth day of March in the current year shall be valid notwithstanding

the fact that the papers nominating certain of the said officers were not filed within the time required by law.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1911.

AN ACT RELATIVE TO THE BOSTON FIREMEN'S RELIEF FUND. *Chap. 134*

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and eight of the acts of the year nineteen hundred and nine is hereby amended by striking out section two and inserting in place thereof the following: — *Section 2.* The twelve members of the fire department of the city of Boston mentioned in section one shall be elected by ballot by the members of the said department in the following manner: — On the second Monday of September in the year nineteen hundred and eleven there shall be elected twelve members, and no member of the said department shall vote for more than twelve. The four members receiving the largest number of votes shall serve for three years, the four receiving the next largest number of votes shall serve for two years, the four receiving the next largest number of votes shall serve for one year. In case two or more members elected should receive an equal number of votes, those who are the seniors by terms of service in the said fire department shall for the division into classes hereby required be classified as if they had received the larger number of votes in the order of their seniority. Thereafter on the second Monday of September in each year there shall be elected by ballot four members to serve for a term of three years, and no member of the said fire department shall vote for more than four. The one member of the Boston protective department hereinafter mentioned shall be elected by ballot by the members of the said Boston protective department on the second Monday of September in the year nineteen hundred and eleven to serve for three years, and thereafter, triennially, on the said second Monday of September there shall be elected one member to serve for three years. No member of the Boston protective department shall vote for more than one. All said terms shall begin on the second Tuesday following the election. When a vacancy occurs in the membership of the corporation the remaining members shall elect by a majority vote a member of either of the aforesaid departments to fill the vacancy for the remainder of the

1909, 308,
§ 2, amended.

Boston Fire-
men's Relief
Fund, elec-
tion of mem-
bers, etc.

year. The vacancy for the remainder of the unexpired term shall be filled at the next annual election. The corporation shall prescribe by by-laws the manner of conducting its annual elections.

1909, 308,
§ 3, amended.

Officers, by-
laws, etc.

SECTION 2. Section three of said chapter three hundred and eight is hereby amended by striking out the words "of the twelve members above", in the fifth line, and inserting in place thereof the word: — herein, — so as to read as follows: — *Section 3.* The corporation shall, subject to the approval of the fire commissioner of the city of Boston, adopt by-laws for the management of its property and for carrying out its purposes; and it shall annually, within sixty days after the election herein provided for, choose such officers as may be required by its by-laws. The corporation shall annually file a report with the city clerk of the city of Boston and with the commissioner of corporations showing in detail its assets and liabilities, its receipts of money or other property, the source of such receipts, and a statement of all sums paid out for relief or for expenses, with the names of the persons receiving the same.

1909, 308,
amended,
by adding
new section.
Additional
member.

SECTION 3. Said chapter three hundred and eight is hereby further amended by adding at the end thereof the following new section: — *Section 7.* At the election provided for by this act to be held on the second Monday of September in the year nineteen hundred and eleven, there shall be elected in addition to the twelve members of the fire department of said city as provided for in said act, one member of the Boston protective department.

Approved March 13, 1911.

Chap.135 AN ACT TO PROVIDE FOR THE PROTECTION OF SOURCES OF
WATER SUPPLY USED BY WATER SUPPLY DISTRICTS.

Be it enacted, etc., as follows:

1908, 499,
§ 1, amended.

Protection of
sources of
water supply.

SECTION 1. Section one of chapter four hundred and ninety-nine of the acts of the year nineteen hundred and eight is hereby amended by inserting after the word "towns", in the first line, the words: — water supply, — so as to read as follows: — *Section 1.* Cities, towns, water supply and fire districts duly established by legislative authority may, with the consent and approval of the state board of health, given after due notice and a hearing, take, or acquire by purchase or otherwise, and hold any lands, buildings, rights

of way and easements within the watershed of any pond, stream, reservoir, well or other water used by them as a source of water supply, which said board may deem necessary to protect and preserve the purity of the water supply.

SECTION 2. Section two of said chapter four hundred and ninety-nine is hereby amended by inserting after the word "town", in the second line, the words: — water supply, — so as to read as follows: — *Section 2.* If any lands, buildings, rights of way or easements are taken under authority hereof the city, town, water supply or fire district shall, within ninety days thereafter, file and cause to be recorded in the registry of deeds for the county or district in which the same are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same are taken, signed by the water commissioners of said city, town or district. Upon the filing of said description and statement the title in fee simple to the lands, buildings, rights or easements so taken, shall vest in the city, town or district. All lands taken, purchased or otherwise acquired under the provisions of this act shall be under the control of the board of water commissioners of the city, town or district acquiring the same, who shall manage and improve them in such manner as they shall deem for the best interest of the city, town or district.

1908, 499,
§ 2, amended.

Description
of land, etc.,
taken, to be
recorded, etc.

SECTION 3. Section five of said chapter four hundred and ninety-nine is hereby amended by inserting after the word "town", in the first and tenth lines, the words: — water supply, — so as to read as follows: — *Section 5.* After the actual taking by a city, town, water supply or fire district of property in another city or town for the purposes of this act, the same may be valued by the assessors of the city or town in which such property is situated on the basis of the average of the assessed value of the land and buildings for the three years preceding the acquisition thereof, the valuation for each year being reduced by all abatements thereon; but any part of such land or buildings from which any revenue in the nature of rent is received shall be subject to taxation, and the city, town, water supply or fire district acquiring such property shall pay to the city or town in which it is situated taxes or sums in lieu of taxes at the rate per thousand of all taxes in such city or town for that year on the valuation so determined. Cases of dispute as to valuations arising under this act shall be governed by the provisions of sections eleven and twelve of chapter

1908, 499,
§ 5, amended.

Valuation of
land taken,
etc.

twelve of the Revised Laws, and of all amendments thereof now or hereafter made.

SECTION 4. This act shall take effect upon its passage.

Approved March 13, 1911.

Chap.136 AN ACT TO INCLUDE THE TWELFTH DAY OF OCTOBER, KNOWN AS COLUMBUS DAY, IN THE LIST OF LEGAL HOLIDAYS.

Be it enacted, etc., as follows:

R. L. 8, § 5,
amended.

Legal
holidays.

The ninth clause of section five of chapter eight of the Revised Laws is hereby amended by inserting in the fourth line, before the words "Thanksgiving day", the words: — the twelfth day of October, — and also by inserting after the word "mentioned", in the fifth line, the words: — the twelfth day of October, — so that the said clause will read as follows: — *Ninth.* The words "legal holiday" shall include the twenty-second day of February, the nineteenth day of April, the thirtieth day of May, the fourth day of July, the first Monday of September, the twelfth day of October, Thanksgiving day and Christmas day, or the day following when any of the four days first mentioned, the twelfth day of October or Christmas day occurs on Sunday; and the public offices shall be closed on all of said days.

Approved March 13, 1911.

Chap.137 AN ACT TO PROVIDE FOR THE PENSIONING OF MEMBERS OF THE POLICE DEPARTMENT OF THE CITY OF WORCESTER WHO ARE VETERANS OF THE CIVIL WAR.

Be it enacted, etc., as follows:

Certain mem-
bers of the
police depart-
ment of
Worcester
may be
pensioned.

SECTION 1. The mayor and the board of aldermen of the city of Worcester shall, at his own request, retire from active service and place upon a pension roll any member of the police department of that city who served in the military or naval service of the United States in the civil war and who was honorably discharged therefrom, and who has performed faithful service in said police department for not less than twenty years continuously. Every member so retired shall receive annually as a pension one half of the amount received by him at the time of his retirement. Such pensions shall be paid by the city, which is hereby authorized to appropriate money therefor.

Temporary
service.

SECTION 2. The mayor of said city is hereby authorized, in case of an emergency, to call upon any person so pen-

sioned for such temporary service in the police department as he may be fitted to perform, and during such service he shall be entitled to full pay.

SECTION 3. This act shall take effect upon its acceptance by the city council of the city of Worcester.

Approved March 14, 1911.

AN ACT RELATIVE TO THE SAGAMORE WATER COMPANY. *Chap. 138*

Be it enacted, etc., as follows:

SECTION 1. Section seventeen of chapter six hundred and eighteen of the acts of the year nineteen hundred and eight is hereby amended by striking out the word "three", in the fourth line, and inserting in place thereof the word: — six, — so as to read as follows: — *Section 17.* This act shall take effect upon its passage, but shall become void unless said water company shall have begun to distribute water through its pipes to consumers in said town within six years after the date of its passage.

1908, 618,
§ 17,
amended.

Time
extended.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1911.

AN ACT TO PROVIDE FOR WIDENING A PART OF MOUNT AUBURN STREET AND TO AUTHORIZE THE PROPRIETORS OF THE CEMETERY OF MOUNT AUBURN, THE CITY OF CAMBRIDGE AND THE TOWN OF WATERTOWN TO MAKE CERTAIN CONTRACTS. *Chap. 139*

STREET AND TO AUTHORIZE THE PROPRIETORS OF THE CEMETERY OF MOUNT AUBURN, THE CITY OF CAMBRIDGE AND THE TOWN OF WATERTOWN TO MAKE CERTAIN CONTRACTS.

Be it enacted, etc., as follows:

SECTION 1. In order to make the southerly line of Mount Auburn street in Cambridge as nearly straight as may be practicable, and continuous with the southerly line of Mount Auburn street in Watertown, as established by order of the county commissioners of the county of Middlesex widening said street and the bridge over the tracks of the Watertown branch of the Fitchburg railroad, the said county commissioners, at any time within two years after this act takes effect, may take or acquire by purchase or otherwise, and hold, lay out, maintain and improve for street purposes the whole or any part of a parcel of land belonging to the Proprietors of the Cemetery of Mount Auburn and bounded and described as follows: — Beginning on the southerly line of Mount Auburn street in Cambridge at the westerly corner of land of the said Proprietors of the Cemetery of Mount Auburn and at the easterly line of the Watertown branch

Straightening
of Mount
Auburn
street in
Cambridge.

Description
of land to
be taken.

of the Fitchburg railroad, thence running easterly along and bounded by the said southerly line of Mount Auburn street two hundred and sixty-two and eleven hundredths feet; thence running westerly by a curved line of one thousand seventeen and twenty-four hundredths feet, radius one hundred and ninety-nine and thirty-eight hundredths feet; thence running westerly in a straight line eighty-eight and ninety-three hundredths feet to the easterly line of the location of the Watertown branch of the Fitchburg railroad; thence running northeasterly by the easterly line of said location forty-one feet. Said parcel is shown on a plan drawn by the city engineer of Cambridge, dated the twenty-sixth day of January, eighteen hundred and ninety-eight, and recorded in the registry of deeds for the southern district of the county of Middlesex in book of plans number one hundred and eleven, plan seven.

Taking to be recorded.

SECTION 2. Said county commissioners shall within sixty days after taking or acquiring said land, otherwise than by purchase or gift, cause to be recorded in the registry of deeds for the southern district of the county of Middlesex a description and a plan of the land taken, with a statement of the purpose for which the same is taken, which statement shall be signed by the said county commissioners.

Damages.

SECTION 3. The estimation of damages, if any, caused by said taking, and the recovery of such damages shall in all respects be made and had in the manner provided by law in the case of land taken for the laying out of a highway.

Payment of costs, etc.

SECTION 4. The charges, expenses, damages and costs caused by, incident to and arising out of said taking and the improving of said land for street purposes, and of making any widening of the bridge over the tracks of the Watertown branch of the Fitchburg railroad which may be rendered necessary or desirable by the taking of said land, which widening the said county commissioners are hereby authorized to make, shall be paid by the city of Cambridge and the town of Watertown.

Authority granted not to be exercised unless, etc.

SECTION 5. The said county commissioners shall not exercise the authority hereinbefore granted unless the city of Cambridge should fail, within one year after the passage of this act, to acquire title to said parcel of land by purchase from or agreement with the Proprietors of the Cemetery of Mount Auburn as hereinafter provided.

Certain parties may contract with each other, etc.

SECTION 6. At any time within one year after the passage of this act the Proprietors of the Cemetery of Mount

Auburn, hereinafter called the corporation, and the city of Cambridge may contract with each other upon terms which shall provide, in substance, that the corporation shall convey to said city for street purposes the parcel of land described in section one of this act, for such price as may mutually be agreed upon, and that the city shall at its expense lay out and improve the same for street purposes, and the small parcel of land lying westerly thereof and between it and the location of the Watertown branch of the Fitchburg railroad and heretofore taken by the county commissioners of Middlesex county for street purposes, and that said city shall also at its expense widen the bridge over the tracks of the Watertown branch of the Fitchburg railroad to conform with the original plan and order of said county commissioners for the widening of Mount Auburn street, so far as said railroad company, or its lessors, the Boston and Maine Railroad, may not be required by existing law to defray the expense of such widening of the bridge. Any contract so made shall be approved, in behalf of the corporation, by vote of its trustees, and in behalf of the city it shall be approved in the same manner in which a contract by said city for the purchase of land for street purposes is required to be approved.

Contract to be approved.

SECTION 7. Said corporation and the town of Watertown, in the event of the purchase or acquiring of said parcel of land described in section one of this act by the city of Cambridge, may from time to time contract with each other upon terms providing, in substance, that, in consideration of the payment of a specified sum by the corporation to said town in lieu of all future taxes thereon, which sum shall mutually be agreed upon, or for such other consideration as may mutually be agreed upon, said corporation may include within the limits of said cemetery the whole or any part of the land now or hereafter owned by said corporation and abutting on said cemetery, and may inclose the same by a fence, and may use the same for the interment of human remains or of the ashes of the dead, and for all other lawful purposes of said corporation: *provided*, that the consent of the board of health of said town and of the state board of health is first obtained for including such land within the limits of said cemetery. Any such contract shall be approved, in behalf of said corporation, by vote of its trustees, and shall be authorized, in behalf of said town, by the voters at a town meeting of said town duly called; and any and

Certain land may be included within the Cemetery of Mount Auburn.

Proviso.

all such contracts shall be recorded in the registry of deeds for the southern district for the county of Middlesex.

SECTION 8. This act shall take effect upon its passage.

Approved March 14, 1911.

Chap.140 AN ACT TO ENLARGE THE USEFULNESS OF THE FREE PUBLIC LIBRARY SYSTEM.

Be it enacted, etc., as follows:

Free city or town public libraries may loan books, etc., to other cities or towns, etc.

SECTION 1. Any free city or town public library may lend its books or other library material to any other free public library in any city or town, under such conditions and regulations as may be made in writing by the board of trustees or other authority having control of the library so lending. Any city or town may raise money to pay the expense of so borrowing books and other library material from the library of any other city or town. Nothing herein contained shall be construed to restrict or modify any power which any city or town, or any board of trustees or other authority in control of any free public library, now has to lend to, or permit the use of its books by, persons not citizens of such city or town.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1911.

Chap.141 AN ACT TO AUTHORIZE THE TOWN OF SWAMPSCOTT AND THE CITY OF LYNN TO ENTER INTO AN AGREEMENT FOR THE DRAINAGE OR DISPOSAL OF SEWAGE FROM CERTAIN LAND.

Be it enacted, etc., as follows:

Sewage disposal in the town of Swampscott and the city of Lynn.

SECTION 1. The town of Swampscott by its water and sewerage board and the city of Lynn may enter into an agreement or agreements for the drainage or disposal of sewage from land or premises situated in either said town or said city near the boundary line separating Swampscott and Lynn, and either of said municipalities may permit the other, or residents or property owners thereof, with the approval of said town or city, to make such connections with the sewers now or hereafter to be constructed by the said town or city, as may be required for such disposal, upon such terms and conditions as may be agreed upon from time to time between said town and city as herein provided.

SECTION 2. Residents or property owners whose land or premises shall be connected with the public sewers of Swampscott or Lynn, under the provisions of the preceding section, shall be assessed by the town or city in which the land or premises lie, under the general or special laws now in force. Assessments.

SECTION 3. This act shall take effect upon its passage.

Approved March 14, 1911.

AN ACT TO PROVIDE FOR A PUBLIC BOAT LANDING ON MYSTIC RIVER IN THE CHARLESTOWN DISTRICT OF THE CITY OF BOSTON. Chap.142

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to construct and maintain a public boat landing on Mystic river at Dewey beach, in Medford street, in the Charlestown district of said city, and to appropriate therefor the sum of three thousand dollars. Boat landing on Mystic river.

SECTION 2. This act shall take effect upon its acceptance by the city council of the city of Boston. Time of taking effect.

Approved March 14, 1911.

AN ACT RELATIVE TO THE APPOINTMENT OF INSPECTORS OF ANIMALS. Chap.143

Be it enacted, etc., as follows:

SECTION 1. Chapter ninety of the Revised Laws is hereby amended by striking out section twelve and inserting in place thereof the following: — *Section 12.* The mayor and aldermen in cities, except Boston, and the selectmen in towns shall annually, in March, nominate one or more inspectors of animals, and before the first day of April shall send to the chief of the cattle bureau of the state board of agriculture the name, address and occupation of each nominee. Such nominee shall not be appointed until approved by the chief of the cattle bureau of the state board of agriculture. The aforesaid officials of cities and towns may remove any inspector, and shall thereupon immediately nominate another in his place and send notice thereof as prescribed above. R. L. 90, § 12, amended.
Inspectors of animals, appointment, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1911.

Chap.144 AN ACT TO PROVIDE FOR THE APPOINTMENT OF A RESERVE POLICE FORCE IN THE TOWN OF REVERE.

Be it enacted, etc., as follows:

Reserve
police force
in the town
of Revere.

SECTION 1. The selectmen of the town of Revere may from time to time as authorized by said town, and under such rules as the civil service commissioners may prescribe, appoint suitable persons to constitute a reserve police force for the town.

Appointment
of members.

SECTION 2. One member of said reserve force shall be appointed for every three members of the regular police force at the time of the passage of this act, and one may be added after each increase of three in the regular police force.

Appoint-
ments to reg-
ular force.

SECTION 3. All appointments to the regular police force of said town shall be made from the reserve police force, under such rules as the civil service commissioners may pre- scribe; and service on the reserve police force for not less than six months shall be deemed to be equivalent to the probationary period now required by the rules of the said commissioners.

Compensa-
tion.

SECTION 4. The members of the said reserve police force shall when on duty be paid by the town such compensation, not exceeding two dollars and seventy-five cents a day, as the selectmen may prescribe.

SECTION 5. This act shall take effect upon its passage.
Approved March 15, 1911.

Chap.145 AN ACT RELATIVE TO THE RANK OF CHIEFS OF STAFF DEPART- MENTS IN THE MILITIA.

Be it enacted, etc., as follows:

Rank of
chiefs of
staff depart-
ments in the
militia.

SECTION 1. The rank of the chief of the inspector gen- eral's department, judge advocate general's department, quartermaster's department, subsistence department, pay department, ordnance department and medical department shall not be higher than that of colonel.

Title and
grade, etc.

SECTION 2. The chiefs of these departments shall be commissioned with such title and grade as may be neces- sary to conform to the requirements of the laws of the United States.

Present rank
not to be
reduced.

SECTION 3. This act shall not operate to reduce the rank of any officer now serving as chief in any of the above named

departments, but shall become effective in each department when the present incumbent dies, resigns, retires or is removed in accordance with law.

SECTION 4. The chief of each respective department shall act as and have all the duties, powers and obligations prescribed by law for the inspector general, judge advocate general, quartermaster general, commissary general, paymaster general, chief of ordnance and surgeon general, respectively.

Powers and duties of chiefs.

SECTION 5. This act shall take effect upon its passage.

Approved March 15, 1911.

AN ACT TO AUTHORIZE CITIES AND TOWNS TO ESTABLISH ART COMMISSIONS. Chap. 146

Be it enacted, etc., as follows:

SECTION 1. Cities and towns may, except where their charters make special provisions therefor, establish art commissions in accordance with this act.

Establishment of art commissions.

SECTION 2. Within sixty days after the acceptance of this act by a city or town, the school committee, the board of trustees of the public library and the board of park commissioners, or the officials of three similar boards to be designated by the city or town at the time of the acceptance of this act, shall each send in writing to the mayor or the selectmen the names of two citizens of the city or town, and the mayor or selectmen shall, as soon as may be, appoint from the persons so nominated an art commission of three members to serve without compensation, one to serve until the first day of May succeeding the appointment, one to serve for one year from said first of May, and one to serve for two years from said first of May. Thereafter, prior to the first day of April in each year, the officials of the several boards as designated shall each send in writing to the mayor or selectmen the name of one citizen of the city or town, and the mayor or selectmen shall, from the persons so nominated, appoint one member of an art commission to serve for a term of three years from the first day of May in that year or until a successor is appointed and qualified.

Appointment of members of the commissions.

SECTION 3. No municipal structure shall be erected in any city or town which has accepted the provisions of this act unless the design therefor shall have been approved in writing by a majority of the members of the art commission,

All designs to be approved by the commission.

Placing of
works of art,
etc., on pub-
lic highways.

or unless said commission shall have failed to disapprove in writing the design within thirty days after its submission.

SECTION 4. No work of art or ornament, or object of utility except ordinary public watering troughs or ordinary drinking fountains, not works of art or ornament, and the authorized structures of public service corporations, shall be placed on any public ways or lands excepting cemeteries, nor shall any work of art or object of ornament or decoration be placed in or upon any public or municipal building or be removed, relocated or altered, except in compliance with the terms of section three of this act.

Penalty.

SECTION 5. Any person violating the provisions of this act shall be punished by a fine not exceeding two hundred dollars.

Removals,
etc.

SECTION 6. The members of the art commission appointed under this act may be removed in cities by a vote of two thirds of the city council and in towns by a vote of two thirds of the voters at an annual town meeting duly called for the purpose; and thereafter this act shall not apply to such city or town unless again accepted as provided in section seven.

Time of
taking effect.

SECTION 7. This act shall take effect in cities upon its acceptance by the city council and in towns it shall take effect upon its acceptance by the voters of the town at an annual town meeting. For the purpose of submitting this act to cities and towns, it shall take effect upon its passage.

Approved March 17, 1911.

Chap.147 AN ACT RELATIVE TO SUITS AGAINST EXECUTORS, ADMINISTRATORS, TRUSTEES AND GUARDIANS.

Be it enacted, etc., as follows:

Suits against
executors,
etc.

SECTION 1. An action founded on any contract heretofore made or act heretofore done by any person acting as the executor, administrator or other legal representative of the estate of a deceased person, or by any person acting as trustee or guardian, shall be brought within two years after the passage hereof; and if founded upon any contract made or act done subsequent to the passage of this act, such action shall be brought within two years after the right of action accrues: *provided, however,* that nothing herein shall be construed as extending the limitation of time within which an action must be brought on any cause of action now existing, or as applying to actions upon probate bonds, or to

Proviso.

actions in favor of the estate of which such person shall have been such legal representative, or to actions in favor of a beneficiary or ward, or to actions brought by the commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1911.

AN ACT TO AUTHORIZE THE BOARD OF BANK INCORPORATION Chap.148
TO REVOKE CERTAIN CERTIFICATES.

Be it enacted, etc., as follows:

SECTION 1 The board of bank incorporation is hereby authorized to revoke any certificate granted under chapter three hundred and seventy-four of the acts of the year nineteen hundred and four for the incorporation of a trust company, provided that the company was not incorporated pursuant to the certificate prior to the first day of January in the year nineteen hundred and ten.

Certificates of incorporation of trust companies may be revoked.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1911.

AN ACT TO AUTHORIZE THE TOWN OF FALMOUTH TO APPROPRIATE MONEY FOR THE PURPOSE OF ADVERTISING THE ADVANTAGES OF THE TOWN. Chap.149

Be it enacted, etc., as follows:

SECTION 1 The town of Falmouth is hereby authorized to appropriate annually a sum of money not exceeding one thousand dollars, for the purpose of promoting the interests of the town by advertising its attractions, advantages and other matters tending to advance the interests of the town.

The town of Falmouth may appropriate money for advertising the town.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1911.

AN ACT RELATIVE TO THE FEES OF MAGISTRATES FOR THE EXAMINATION OF SURETIES, APPROVAL OF BONDS AND TAKING OF RECOGNIZANCES. Chap.150

Be it enacted, etc., as follows:

SECTION 1. The fees of magistrates for the examination of sureties and approval of bonds or for the taking of recognizances shall be in each case the sum of two dollars for the citation, if any, and the first day's hearing, and two dollars in addition for each and every adjournment thereof. These fees shall be paid in advance.

Fees for examination of sureties, etc.

Repeal.

SECTION 2. The provisions of section five of chapter eighty-two, sections one hundred and eighteen and one hundred and twenty-two of chapter one hundred and sixty-seven, section seventy-five of chapter one hundred and sixty-eight, section four of chapter one hundred and sixty-nine, section sixty-five of chapter one hundred and eighty-nine, section seventeen of chapter one hundred and ninety, section twenty-eight of chapter one hundred and ninety-seven of the Revised Laws, and chapter two hundred and thirty-seven of the acts of the year nineteen hundred and nine, and of any other act, in so far as they are inconsistent with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1911.

Chap.151 AN ACT RELATIVE TO WORK IN MILLS AND FACTORIES UPON
LEGAL HOLIDAYS.

Be it enacted, etc., as follows:

Work in
mills, etc., on
holidays.

SECTION 1. No employee shall be required to work in any mill or factory on any legal holiday, except to perform such work as is both absolutely necessary and can lawfully be performed on the Lord's day.

Penalty.

SECTION 2. Whoever violates the provisions of this act shall be punished by a fine not exceeding five hundred dollars.

Approved March 17, 1911.

Chap.152 AN ACT RELATIVE TO THE POWERS OF THE CHERRY VALLEY
AND ROCHDALE WATER DISTRICT.

Be it enacted, etc., as follows:

1910, 381,
§ 7, amended.

Section seven of chapter three hundred and eighty-one of the acts of the year nineteen hundred and ten is hereby amended by striking out the words "five hundred", in the eighth line, and inserting in place thereof the words: — four thousand, — so as to read as follows: — *Section 7.* Said district may make such contracts with individuals, corporations, and the town of Leicester for supplying water as may be agreed upon, and may extend its pipes for that purpose, subject to the direction of the selectmen of the town of Leicester, through the highways of said town lying outside the corporate limits of said district; and may extend its pipes into the town of Oxford for a distance not exceeding

Contracts for
supplying
water, etc.

four thousand feet from the boundary line between the towns of Leicester and Oxford, subject to the direction of the selectmen of the town of Oxford. *Approved March 17, 1911.*

AN ACT TO AUTHORIZE THE FIRE DISTRICT IN THE TOWN OF DALTON TO TAKE WATER FROM A CERTAIN BROOK AND ITS WATERSHED IN THE TOWN OF PERU. Chap. 153

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and nine of the acts of the year nineteen hundred and ten is hereby amended by striking out the word "town", in the sixth line, and inserting in place thereof the word: — towns, — and by inserting after the word "Hinsdale", in the sixth line, the words: — and Peru, — and by inserting after the word "Hinsdale", in the eighth, twelfth and thirty-fourth lines, the word: — Peru, — so as to read as follows: —

Section 1. The fire district of the town of Dalton, for the purposes mentioned in section one of chapter one hundred and thirty-seven of the acts of the year eighteen hundred and eighty-four, may take or acquire by purchase or otherwise and hold the waters of Cady brook, so-called, in the towns of Hinsdale and Peru, and for the purpose of connecting the same with its existing works may extend the water pipes of said district into the towns of Hinsdale, Peru and Windsor; may take, or acquire by purchase or otherwise, the water rights connected therewith; and may also take, or acquire by purchase or otherwise, and hold all lands, rights of way and easements in the towns of Dalton, Hinsdale, Peru and Windsor which may be necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district: *provided, however,* that no source of water supply and no lands necessary for preserving the quality of such water, shall be taken or used without first obtaining the advice and approval of the state board of health, and that the location of all dams, reservoirs, wells or other works to be used as sources of water supply under this act shall be subject to the approval of said board. Said district may construct on the lands acquired and held under the provisions of this act proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances and do such other things as

1910, 409,
§ 1, amended.

Waters of
a certain
brook in the
town of
Hinsdale,
etc., may be
taken.

Proviso.

may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways in the towns of Dalton, Hinsdale, Peru or Windsor, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, said district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; but all things done upon any such ways shall be subject to the direction of the selectmen of the town in which such ways are situated. Said district shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except at such times and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the board of railroad commissioners.

1910, 409,
§ 4, amended.

Dalton Fire
District
Water Loan,
Act of 1910.

SECTION 2. Section four of said chapter four hundred and nine is hereby amended by striking out the word "four", in the ninth line, and inserting in place thereof the words: — four and one half, — so as to read as follows: — *Section 4.* Said fire district, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding fifty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Dalton Fire District Water Loan, Act of 1910; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest payable semi-annually at a rate not exceeding four and one half per cent per annum; and shall be signed by the treasurer of the district and countersigned by the water commissioners. Said district may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1911.

AN ACT RELATIVE TO RETURNS OF INVENTORIES OF STATE INSTITUTIONS UNDER THE GENERAL SUPERVISION OF THE STATE BOARD OF CHARITY. *Chap.154*

Be it enacted, etc., as follows:

SECTION 1. Chapter eighty-four of the Revised Laws is hereby amended by striking out section seven and inserting in place thereof the following: — *Section 7.* The trustees of every institution under the general supervision of the board shall annually cause an accurate inventory of the stock and supplies on hand, and the value and amount thereof at the institution, to be made on the thirtieth day of November, and to be sent to the board on or before the third Wednesday in December.

R. L. 84, § 7, amended.

Inventory, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1911.

AN ACT TO RELIEVE THE CITY OF WALTHAM FROM OBLIGATION TO BUILD A CITY HALL ON CERTAIN LAND PURCHASED FOR THAT PURPOSE. *Chap.155*

Be it enacted, etc., as follows:

SECTION 1. It shall not be obligatory on the city of Waltham to build a city hall upon the parcel of land conveyed by the deed of the Boston Manufacturing Company, dated December thirtieth, eighteen hundred and eighty-six, notwithstanding the fact that it was purchased by the city for the purpose of building a city hall thereon, and that bonds of the city entitled "City Hall Location Loan", to the amount of forty-seven thousand dollars, were issued to provide for payment for the land, the said bonds having been paid and cancelled.

The city of Waltham relieved from the obligation to build a city hall, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1911.

AN ACT TO AUTHORIZE THE TOWN OF HOLBROOK TO REFUND CERTAIN INDEBTEDNESS. *Chap.156*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of paying or refunding certain indebtedness representing the excess of the amounts of notes heretofore issued by the town of Holbrook in anticipation of taxes over and above the present amount of

Holbrook Refunding Loan, Act of 1911.

uncollected taxes, and of paying or refunding certain demand notes issued heretofore by the said town and amounting to sixteen thousand ninety-eight dollars and ninety-two cents, said town is hereby authorized to issue notes or bonds to be denominated on the face thereof, Holbrook Refunding Loan, Act of 1911, to an amount not exceeding twenty-two thousand dollars. The said notes or bonds shall be payable within periods not exceeding twenty years from their date, and shall bear such rate of interest as the town may determine. The town shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments, beginning in the year nineteen hundred and eleven, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, the amount required thereby shall, without further vote, be assessed by the assessors of the town every year in the same manner in which other taxes are assessed, until the debt is extinguished. The town shall also raise annually by taxation a sum sufficient to pay the interest as it accrues on the notes or bonds issued under authority of this act.

Payment of
loan.

Time of
taking effect.

SECTION 2 This act shall take effect upon its acceptance by a two thirds vote of the voters of the town present and voting thereon at an annual town meeting or at a special town meeting called for the purpose.

Approved March 17, 1911.

Chap.157 AN ACT MAKING APPROPRIATIONS FOR SUNDRY SINKING FUNDS AND SERIAL BONDS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sum of five hundred and eleven thousand five hundred twenty-four dollars and thirty-three cents is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the benefit of the following sinking funds, to wit: —

Armory Loan
Sinking
Fund.

For the Armory Loan Sinking Fund, the sum of fifty thousand five hundred and thirty-three dollars.

Harbor
Improvement
Loan Sink-
ing Fund.

For the Harbor Improvement Loan Sinking Fund, the sum of twenty-three hundred and fifty-three dollars.

Medfield In-
sane Asylum
Loan Sink-
ing Fund.

For the Medfield Insane Asylum Loan Sinking Fund, the sum of twenty-two thousand nine hundred and five dollars.

Metropolitan
Parks Loan
Sinking Fund.

For the Metropolitan Parks Loan Sinking Fund, boulevards, one half, the sum of thirty thousand five hundred and thirty-eight dollars.

For the Prisons and Hospitals Loan Sinking Fund, the sum of one hundred and ten thousand three hundred and fifteen dollars.

Prisons and
Hospitals
Loan Sink-
ing Fund.

For the State Highway Loan Sinking Fund, the sum of sixty-eight thousand four hundred and twenty-nine dollars.

State High-
way Loan
Sinking Fund.

For the State House Loan Sinking Fund, the sum of fifty-eight thousand six hundred and eighteen dollars.

State House
Loan Sink-
ing Fund.

SERIAL BONDS.

For Suffolk County Court House, due March first and September first, nineteen hundred and eleven, ten thousand three hundred thirty-three dollars and thirty-three cents.

Suffolk
County Court
House serial
bonds.

For State Highway, due April first and October first, nineteen hundred and eleven, eighty-six thousand dollars.

State High-
way serial
bonds.

For Abolition of Grade Crossings, due November first, nineteen hundred and eleven, seventeen thousand dollars.

Abolition of Grade Crossings serial bonds.

For Armories, due September first, nineteen hundred and eleven, ten thousand dollars.

Armories
serial bonds.

For Prisons and Hospitals, due November first, nineteen hundred and eleven, twelve thousand dollars.

Prisons and
Hospitals
serial bonds.

For Marblehead Breakwater and Highway, due November
sixteenth, nineteen hundred and eleven, thirty-two thousand
five hundred dollars.

**Marblehead
Breakwater
and Highway
serial bonds.**

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1911.

AN ACT TO AUTHORIZE THE EXTENSION OF THE SERVICE OF
THE FREE EMPLOYMENT OFFICE OF THE BUREAU OF STA-
TISTICS SO AS TO PROVIDE FOR THE BETTER DISTRIBUTION
OF IMMIGRANTS.

Chap.158

Be it enacted, etc., as follows:

Section three of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine is hereby amended by adding at the end thereof the following:— Said superintendents shall also receive applications from alien immigrants seeking employment in agricultural labor and from those desiring to employ immigrants in agricultural labor, and shall take such other action as the director may deem best to promote a more general distribution of alien immigrants throughout the agricultural sections of the commonwealth, — so as to read as follows:— *Section 3.* The superintendents of said employment offices shall receive

1909, 514,
§ 3, amended.

Duties of superintend- ents of

employment
offices, etc.

applications from those seeking employment and from those desiring to employ, and shall register them in such manner as may be prescribed by the director of said bureau, and shall take such other action as the director may deem best to promote the purposes of said offices. Said superintendents shall also receive applications from alien immigrants seeking employment in agricultural labor and from those desiring to employ immigrants in agricultural labor, and shall take such other action as the director may deem best to promote a more general distribution of alien immigrants throughout the agricultural sections of the commonwealth.

Approved March 17, 1911.

Chap.159 AN ACT TO AUTHORIZE THE TOWN OF MILFORD TO INCUR
ADDITIONAL INDEBTEDNESS FOR SEWERAGE PURPOSES.

Be it enacted, etc., as follows:

Milford
Sewerage
Loan, Act
of 1911.

SECTION 1. The town of Milford, for the purpose of completing and extending its system of sewerage may from time to time issue bonds to be denominated on the face thereof, Milford Sewerage Loan, Act of 1911, to an amount not exceeding thirty thousand dollars, bearing interest at a rate not exceeding five per cent per annum. The said amount shall be in addition to the fifty thousand dollars authorized to be borrowed for the same purpose by chapter two hundred and sixty of the acts of the year nineteen hundred and eight. Except as hereinbefore provided, the provisions of sections six, seven and eight of chapter three hundred and forty-three of the acts of the year nineteen hundred and six shall apply to the bonds hereby authorized.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1911.

Chap.160 AN ACT RELATIVE TO DEPOSITS IN LIEU OF SURETIES BY
PERSONS HELD IN CUSTODY AS WITNESSES OR UPON CRIMINAL
CHARGES AND ENTITLED TO BE RELEASED ON BAIL.

Be it enacted, etc., as follows:

R. L. 217,
§ 77,
amended.

Section seventy-seven of chapter two hundred and seventeen of the Revised Laws, as amended by chapter two hundred and twenty-one of the acts of the year nineteen hundred and six, is hereby further amended by inserting after the word "bail", in the third line, the words: — or a person who is held in custody or committed as a witness

to a crime, — so as to read as follows: — *Section 77.* A person who is held in custody or committed upon a criminal charge, if entitled to be released on bail, or a person who is held in custody or committed as a witness to a crime, may, instead of giving surety or sureties, at any time give his personal recognizance to appear before any court or trial justice and deposit the amount of the bail which he is ordered to furnish with the court, trial justice or magistrate authorized by law to take such recognizance who shall give him a certificate thereof, and upon delivering said certificate to the officer in whose custody he is, he shall be released. The court, trial justice or magistrate shall forthwith, upon the receipt of such amount, deposit it with the clerk of the court or with the trial justice before whom such person was recognized to appear, or if such court has no clerk, shall deposit it with the justice thereof.

Deposits
in lieu of
sureties, etc.

Approved March 17, 1911.

AN ACT TO AUTHORIZE THE CONGREGATIONAL CHURCH OF TOPSFIELD TO HOLD AS TRUSTEE FUNDS NOW IN THE HANDS OF THE TRUSTEES OF THE BIXBY DONATION FARM. *Chap. 161*

Be it enacted, etc., as follows:

SECTION 1 All votes and proceedings of the Congregational Parish in Topsfield in electing the Trustees of the Bixby Donation Farm and in turning over to the Trustees of the Bixby Donation Farm funds and property, and all votes and proceedings of the Trustees of the Bixby Donation Farm in receiving said funds and property and in holding, managing and investing the same, are hereby ratified and made valid.

Certain
proceedings
ratified.

SECTION 2. The Congregational Church of Topsfield is hereby authorized to receive and hold all trust funds and property now held by the Trustees of the Bixby Donation Farm or by the Congregational Parish in Topsfield upon the same or as nearly as possible the same trusts as those upon which said trust funds and property are now held under the several wills, deeds of gifts, statutes or other instruments or authority under which said trusts were severally created, except that said Congregational Church shall not be accountable to the town of Topsfield or to the Congregational Parish in Topsfield, and shall not be required to make any report of its doings to said town or to said parish. In case of doubt as to the precise manner in which said

Holding of
certain trust
funds, etc.

trust property or the income thereof shall be applied the matter may be determined by the supreme judicial court upon application of any person interested or of the attorney-general, and until said court shall otherwise order said trust property and the income thereof shall be applied in accordance with the terms of the original trusts, or as nearly as possible in accordance therewith, by the said Congregational Church of Topsfield.

Certain estate may be conveyed.

SECTION 3. The Congregational Parish in Topsfield may, by a three fourths vote of those present and voting, at any meeting called for the purpose, authorize one or more persons in its name to convey any real or personal estate belonging to it to the Congregational Church of Topsfield, and may authorize the Trustees of the Bixby Donation Farm to pay over and transfer to said Congregational Church of Topsfield the trust funds and property in their possession to be held by said Congregational Church of Topsfield in trust in accordance with the provisions of section two of this act. Said parish may provide that such conveyance and transfer shall be conditional upon the assumption by said Congregational Church of Topsfield of all liabilities of said parish.

Transfer of certain trust funds.

SECTION 4. The Trustees of the Bixby Donation Farm may, upon being authorized so to do by the Congregational Parish in Topsfield, pay and transfer to said Congregational Church of Topsfield all trust funds and property in their possession to be held by said Congregational Church of Topsfield in trust in accordance with the provisions of section two of this act, and after said Congregational Church of Topsfield shall have received said property it shall have and enjoy all the franchises, powers and privileges belonging to the Trustees of the Bixby Donation Farm.

Records, etc.

SECTION 5. All records and other books and other papers of the Congregational Parish in Topsfield and of the Trustees of the Bixby Donation Farm shall be the property of the Congregational Church of Topsfield.

Bixby Donation Farm dissolved.

SECTION 6. Six months after the transfer of all the property of the said Congregational Parish in Topsfield and of the said Trustees of the Bixby Donation Farm to the said Congregational Church of Topsfield, as above provided, said Congregational Parish in Topsfield and said Trustees of the Bixby Donation Farm shall be dissolved.

Approved March 17, 1911.

AN ACT RELATIVE TO PAYMENT OF TRANSPORTATION AND OTHER NECESSARY EXPENSES OF COUNTY COMMISSIONERS. *Chap. 162*

Be it enacted, etc., as follows:

SECTION 1. The last sentence of section fourteen of chapter twenty of the Revised Laws, as amended by section four of chapter five hundred and forty-four of the acts of the year nineteen hundred and two, is hereby further amended by striking out all after the word "proper", in the second line of said sentence, and inserting in place thereof the words: — cost to the commissioners for transportation and other necessary expenses incurred in the performance of their official duties shall on the first day of each month be certified by them to the controller of county accounts who shall audit and if correct certify the same to the county treasurer who shall reimburse the commissioners for such expenses from the county treasury, — so that said last sentence will read as follows: — An itemized statement of the actual and proper cost to the commissioners for transportation and other necessary expenses incurred in the performance of their official duties shall on the first day of each month be certified by them to the controller of county accounts who shall audit and if correct certify the same to the county treasurer who shall reimburse the commissioners for such expenses from the county treasury.

R. L. 20, § 14, amended.

Expenses of county commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1911.

AN ACT RELATIVE TO THE PENALTY FOR GIVING FALSE WEIGHT AND MEASURE. *Chap. 163*

Be it enacted, etc., as follows:

Section one of chapter three hundred and ninety-four of the acts of the year nineteen hundred and seven is hereby amended by striking out the words "is guilty of giving", in the second and third lines, and inserting in place thereof the words: — gives or attempts to give, — so as to read as follows: — *Section 1.* Whoever, himself or by his servant or agent or as the servant or agent of another person, gives or attempts to give false or insufficient weight or measure shall for a first offence be punished by a fine of not more than fifty dollars, for a second offence by a fine of not more

1907, 394, § 1, amended.

Penalty for giving false weight and measure.

than two hundred dollars, and for a subsequent offence by a fine of fifty dollars and by imprisonment for not less than thirty nor more than ninety days.

Approved March 17, 1911.

Chap. 164 AN ACT TO REGULATE THE TAKING OF FISH BY MEANS OF TORCHES OR OTHER ARTIFICIAL LIGHT IN THE WATERS OF WINTHROP.

Be it enacted, etc., as follows:

Regulating
the taking of
fish in the
waters of the
town of
Winthrop.
Proviso.

SECTION 1. It shall be unlawful for any person to display torches or other lights designed or used for the purpose of taking herring or other fish in any waters of the town of Winthrop: *provided, however*, that the selectmen of said town may grant permits for the display of torches or other lights for the purposes aforesaid within the limits of the town, with such restrictions as in their judgment will prevent the same from constituting a nuisance; and they may at any time revoke any such permit.

Penalty.

SECTION 2. Whoever violates the provisions of this act shall be punished for a first offence by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not less than six nor more than twelve months, or by both such fine and imprisonment, and for a second offence by both such fine and imprisonment. *Approved March 17, 1911.*

Chap. 165 AN ACT RELATIVE TO LOANS ISSUED BY THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1909, 486,
§ 26, etc.,
amended.

SECTION 1. Section twenty-six of chapter four hundred and eighty-six of the acts of the year nineteen hundred and nine, as amended by chapter four hundred and thirty-seven of the acts of the year nineteen hundred and ten, is hereby further amended by striking out the words "the effect of the premiums, if any, shall be to reduce the total amount of bonds issued", in the eighth, ninth and tenth lines, and inserting in place thereof the words: — the premiums, if any are received, shall be applied in accordance with the provisions of chapter three hundred and seventy-nine of the acts of the year nineteen hundred and ten, — so as to read as follows: — *Section 26.* All loans issued by the city after the passage of this act shall be made payable in annual instalments in the manner authorized by section thirteen of chapter twenty-seven of the Revised Laws as amended by section

Payment of
certain loans,
etc.

one of chapter three hundred and forty-one of the acts of the year nineteen hundred and eight. No sinking fund shall be established for said loan. All bonds shall be offered for sale in such a manner that the premiums, if any are received, shall be applied in accordance with the provisions of chapter three hundred and seventy-nine of the acts of the year nineteen hundred and ten. No city or county money shall be deposited in any bank or trust company of which any member of the board of sinking fund commissioners of said city is an officer, director, or agent. Nothing herein shall apply to transit bonds of the city of Boston issued under the provisions of the several acts authorizing the construction of tunnels and subways in said city by the Boston Transit Commission, and said bonds may be issued as heretofore and secured by sinking fund.

SECTION 2. This act shall take effect upon its passage.
Approved March 17, 1911.

AN ACT RELATIVE TO THE FILING OF CERTIFICATES OF NOMINATION AND NOMINATION PAPERS FOR THE ELECTION OF TOWN OFFICERS IN THE TOWN OF SOUTH HADLEY FOR THE YEAR NINETEEN HUNDRED AND ELEVEN. *Chap. 166*

Be it enacted, etc., as follows:

SECTION 1. All certificates of nomination for town offices in the town of South Hadley filed on or before the second Saturday, and nomination papers filed on or before the Monday, preceding the annual town election shall, for the year nineteen hundred and eleven, be valid.

Certain acts of the town of South Hadley legalized.

SECTION 2. This act shall take effect upon its passage.
Approved March 17, 1911.

AN ACT TO AUTHORIZE THE HIRING OF BEDS FOR TUBERCULOUS PATIENTS IN THE CITY OF BOSTON. *Chap. 167*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and twenty-five of the acts of the year nineteen hundred and eight is hereby amended by striking out the words "said new hospital is completed", in the fifth line, and inserting in place thereof the words:—first day of July, nineteen hundred and sixteen, — so as to read as follows:— *Section 1.* The trustees of the new hospital for consumptives in the city of Boston are hereby authorized to hire beds in private hos-

1908, 225, § 1, amended.

Beds may be hired in private hospitals.

pitals for the use of needy tuberculous patients who are residents of said city, until the first day of July, nineteen hundred and sixteen; but the said beds shall not exceed one hundred in number, and the price paid therefor shall not exceed eight dollars a week for each bed.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1911.

Chap.168 AN ACT TO RATIFY AND CONFIRM CERTAIN ACTS OF FIRE DISTRICT NUMBER ONE OF THE TOWN OF SOUTH HADLEY.

Be it enacted, etc., as follows:

Certain acts
of Fire Dis-
trict Number
One of the
town of
South Hadley
confirmed.

SECTION 1. The notes heretofore issued by Fire District Number One of the town of South Hadley to provide for paying the cost of laying a new water main in said fire district, namely, a note for one thousand dollars, dated August thirty-first, nineteen hundred and nine, a note for one thousand dollars, dated August thirty-first, nineteen hundred and nine, and a note for one thousand dollars, dated August thirty-first, nineteen hundred and nine; shall be deemed legal and binding obligations of the said fire district, and the acts of said fire district and its officers authorizing and issuing the same are hereby ratified and confirmed.

Confirming
a vote to
borrow money.

SECTION 2. The vote passed by said fire district at a special fire district meeting held on the twenty-ninth day of October in the year nineteen hundred and ten, authorizing its treasurer, with the approval of the prudential committee or a majority thereof, for the purpose of furnishing water to the residents of the Granby road district, so-called, to borrow a sum of money in the aggregate not exceeding twelve thousand dollars, or any part thereof, is hereby ratified and confirmed, and the district is hereby authorized to issue serial bonds or notes of equal denominations in accordance with said vote, payable semi-annually, at a rate of interest not exceeding five per cent per annum payable semi-annually.

SECTION 3. This act shall take effect upon its passage.

Approved March 20, 1911.

Chap.169 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO TAKE LAND AND TO CONSTRUCT THEREON A COURT HOUSE AND POLICE STATION FOR EAST BOSTON.

Be it enacted, etc., as follows:

Land may be
taken for the
erection of a
court house,

SECTION 1. The board of street commissioners of the city of Boston is hereby authorized to select and to take in the

name and behalf of the city such land as may in its judgment, subject to the approval of the mayor, be requisite for the erection of a court house and police station for the use of the courts and police in the East Boston district of the city, and for other purposes properly incidental thereto, including a court house yard.

etc., in East Boston.

SECTION 2. Said board shall, within thirty days after the approval by the mayor of the land selected by it, file in the registry of deeds for the county of Suffolk, and cause to be recorded, a description of the land so taken as certain as is required in a common conveyance of land, with a statement of the purpose for which it is taken, which description and statement shall be signed by said commissioners or by a majority thereof, and the fee of the land so taken shall vest in the city of Boston. The city shall be liable to pay all damages that may be sustained by any persons by reason of the taking of land as aforesaid, and such damages shall be ascertained and determined in the manner provided for ascertaining and determining damages in the case of the laying out, altering or discontinuing of ways within the city of Boston.

Description of land taken to be recorded.

Damages.

SECTION 3. This act shall take effect upon its passage.

Approved March 20, 1911.

AN ACT TO CONFIRM THE GRANT MADE BY THE PROPRIETORS OF WRENTHAM OF A CERTAIN ISLAND IN WHITING'S POND. Chap.170

Be it enacted, etc., as follows:

SECTION 1. The grant of the little island in the great pond situated in the town of Wrentham made by the Proprietors of Wrentham to Eliphalet Whiting in the year seventeen hundred and forty-seven is hereby confirmed and made valid.

Confirming grant of a certain island, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1911.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE WIDOW OF GEORGE A. DONAGHUE. Chap.171

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay the sum of five hundred dollars to Margaret Donaghue, widow of George A. Donaghue late an employee of the street

The city of Boston may pay a sum of money to Margaret Donaghue,

cleaning department of the said city, who died from injuries received while in the performance of his duties.

Time of
taking effect.

SECTION 2. This act shall take effect upon its acceptance by the mayor and city council of the city of Boston.

Approved March 20, 1911.

Chap.172 AN ACT RELATIVE TO THE PROTECTION OF GRAY SQUIRRELS.

Be it enacted, etc., as follows:

Protection
of gray
squirrels.

SECTION 1. It shall be unlawful except only between the fifteenth day of October and the fifteenth day of November of each year, both days inclusive, to hunt, take or kill a gray squirrel, or to sell, or offer for sale, or to have in possession for the purpose of sale, a gray squirrel, wherever taken or killed, or to take or kill at any time a gray squirrel by means of a trap, net or snare, or for the purpose of killing a gray squirrel to construct or set a trap, snare or net.

Application
of act.

SECTION 2. This act shall not apply to the owner or occupant of any dwelling house or other building who shall find any gray squirrel doing an actual and substantial damage to the same, or to any fruit tree, grain or other growing cultivated crop.

Repeal.

SECTION 3. Chapter five hundred and sixty-four of the acts of the year nineteen hundred and ten is hereby repealed.

Penalty.

SECTION 4. Whoever violates any provision of this act shall forfeit not less than ten nor more than twenty-five dollars for each offence.

Approved March 20, 1911.

Chap.173 AN ACT RELATIVE TO PULLING DOWN STONE WALLS OR FENCES.

Be it enacted, etc., as follows:

Pulling down
stone walls
or fences.

The commissioners on fisheries and game and their duly authorized deputies may arrest without a warrant any person found in the act of wilfully pulling down a stone wall or fence, or otherwise violating the provisions of section ninety-one of chapter two hundred and eight of the Revised Laws.

Approved March 20, 1911.

Chap.174 AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT CLERK OF COURTS FOR THE COUNTY OF HAMPDEN.

Be it enacted, etc., as follows:

Assistant
clerk of
courts,
county of
Hampden.

SECTION 1. The salary of the assistant clerk of courts for the county of Hampden shall be twenty-four hundred dollars

a year, to be so allowed from the first day of January in the year nineteen hundred and eleven.

SECTION 2. This act shall take effect upon its passage.

(*The foregoing was laid before the Governor on the fifteenth day of March, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.*)

AN ACT TO PROVIDE FOR NOTICE OF THE RIGHT OF APPEAL Chap.175
IN THE CASE OF CHILDREN ADJUDGED NEGLECTED.

Be it enacted, etc., as follows:

Whenever any child is adjudged a neglected child under the provisions of chapter three hundred and thirty-four of the acts of the year nineteen hundred and three and of acts in amendment thereof, the court or justice making the adjudication shall notify the child, parent, guardian or person appearing in behalf of such child of the right of appeal to the superior court which is provided for by section six of said chapter three hundred and thirty-four.

Notice of
right of
appeal, etc.

Approved March 22, 1911.

AN ACT TO EXTEND THE JURISDICTION OF POLICE, DISTRICT Chap.176
AND MUNICIPAL COURTS IN CRIMINAL CASES.

Be it enacted, etc., as follows:

SECTION 1. Police, district and municipal courts, including the municipal court of the city of Boston, shall have original jurisdiction, concurrent with the superior court, of felonies punishable by imprisonment in the state prison for not more than five years, and also of the crimes mentioned in sections eighteen and nineteen of chapter two hundred and eight of the Revised Laws, and they may impose the same penalties as the superior court in like cases, except imprisonment in the state prison: *provided, however*, that no sentence to a jail or house of correction for a longer term than two years shall be imposed under this act.

Jurisdiction
of police, dis-
trict and
municipal
courts in crim-
inal cases.

Proviso.

SECTION 2. No order shall be issued for the commitment of a person to a jail or house of correction upon a sentence of more than six months, until at least one day after the imposition of said sentence. Until such order is issued he shall remain in the custody of the court, as if he had not been sentenced. At any time before the issuing of such

Order of
commitment.

order, he may appeal to the superior court, as provided by section twenty-two of chapter two hundred and nineteen of the Revised Laws. Before such order is issued he shall be notified of his right to take such appeal.

Time of
taking effect.

SECTION 3. This act shall take effect on the first day of July in the year nineteen hundred and eleven.

Approved March 22, 1911.

Chap. 177 AN ACT TO REQUIRE COMMISSIONERS OF INSOLVENT ESTATES OF DECEASED PERSONS TO GIVE NOTICE TO CREDITORS OF THE FILING OF RETURNS.

Be it enacted, etc., as follows:

R. L. 142, § 3,
amended.

SECTION 1. Section three of chapter one hundred and forty-two of the Revised Laws is hereby amended by adding at the end thereof the words: — The commissioners shall mail postpaid within seven days thereafter, or within such further time as the court may order, a notice in writing to all known creditors of the filing of said return, and shall, within thirty days after said notice, file in the registry of probate an affidavit of having given the same, with a copy thereof, — so as to read as follows: — *Section 3.* The commissioners shall be sworn before entering upon the performance of their official duties; they shall appoint convenient times and places for their meetings to receive and examine claims; and shall by mail or otherwise give to all known creditors at least seven days' written notice of the time and place of each meeting, and also such other notice thereof as the court shall order; and the executor or administrator shall, fourteen days at least before the first meeting, furnish to the commissioners the names and residences of all known creditors. At the expiration of the time allowed for the proof of claims, the commissioners shall make their return to the court. The commissioners shall mail postpaid within seven days thereafter, or within such further time as the court may order, a notice in writing to all known creditors of the filing of said return, and shall, within thirty days after said notice, file in the registry of probate an affidavit of having given the same, with a copy thereof.

Commissioners
to examine
claims of
creditors.

SECTION 2. This act shall take effect upon its passage.

Approved March 22, 1911.

AN ACT RELATIVE TO COMMENCING ACTIONS FOR THE RE-
COVERY OF DAMAGES FOR INJURIES OR DEATH Chap. 178

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and thirty-two of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, as amended by section two of chapter one hundred and sixty-six and by chapter six hundred and eleven of the acts of the year nineteen hundred and ten, is hereby further amended by inserting after the word "appointment", in the twelfth line, the words: — and in such case the action may be begun within one year after the appointment of such executor or administrator, — so as to read as follows: — *Section 132.* No action for the recovery of damages for injury or death under the provisions of the five preceding sections shall be maintained unless notice of the time, place and cause of the injury is given to the employer within sixty days, and the action is commenced within one year, after the accident which causes the injury or death. Such notice shall be in writing, signed by the person injured or by a person in his behalf. If the person injured dies within the time required for giving the notice his executor or administrator may give such notice within sixty days after his appointment; and in such case the action may be begun within one year after the appointment of such executor or administrator. If from physical or mental incapacity it is impossible for the person injured to give the notice within the time provided in this section, he may give it within ten days after such incapacity has been removed, and if he dies within said ten days his executor or administrator may give such notice within sixty days after his appointment. If the employer dies without such notice having been given and before the time for giving such notice has elapsed, the notice may be given to his executor or administrator, and the time within which the notice may be given as herein provided, shall run from the appointment of the executor or administrator. A notice given under the provisions of this section shall not be held invalid or insufficient solely by reason of an inaccuracy in stating the time, place or cause of the injury if it is shown that there was no intention to mislead, and that the employer was not in fact misled thereby. If the employer dies without such action having been brought and before the time for bringing the action has elapsed, the

1909, 514,
§ 132, etc.,
amended.

Notice to be
given of time
and place of
injury, etc.

Notice not to
be invalid in
certain cases.

action may be begun against his executor or administrator not less than one year and not more than two years after the executor or administrator has given bond for the performance of his trust.

Application
of act.

SECTION 2. This act shall apply to cases now pending or hereafter brought within the time herein stated.

Approved March 22, 1911.

Chap.179 AN ACT TO REGULATE COMMITMENTS UPON TWO OR MORE SENTENCES.

Be it enacted, etc., as follows:

R. L. 220, § 7,
amended.

Section seven of chapter two hundred and twenty of the Revised Laws is hereby amended by adding at the end thereof the following: — but when fine and imprisonment are named in a sentence the prisoner shall always be committed upon the term sentence first, — so as to read as follows: — *Section 7.* A convict upon whom two or more sentences to imprisonment are imposed may be fully committed upon all such sentences at the same time, and shall serve them in the order named in the mittimus upon which he is committed; but when fine and imprisonment are named in a sentence the prisoner shall always be committed upon the term sentence first. *Approved March 22, 1911.*

Commitment
upon two or
more sen-
tences.

Chap.180 AN ACT TO AUTHORIZE THE TOWN OF SUDBURY TO RESTORE CERTAIN TRUST FUNDS AND TO PROVIDE FOR THE CUSTODY AND MANAGEMENT THEREOF.

Be it enacted, etc., as follows:

The town of
Sudbury
may borrow
money for
restoring cer-
tain trust
funds, etc.

SECTION 1. The town of Sudbury, for the purpose of restoring certain trust funds and bequests received by the town and subsequently in part appropriated for purposes other than those declared by the donors thereof, and in part expended by it for the general expenses of the town, is hereby authorized to borrow a sum of money not exceeding twenty-six thousand four hundred and fifty-three dollars, and to issue notes or bonds therefor, payable at periods not exceeding twenty-five years from the dates of issue. Such notes or bonds shall be signed by the treasurer and countersigned by the selectmen, shall bear interest, payable semi-annually, at a rate not exceeding four and one half per cent per annum, and shall be sold in such manner, and upon such terms, as

the treasurer and selectmen may determine, but they shall not be sold for less than their par value. Before said notes or bonds are issued, the town shall provide for the payment thereof in such annual payments as will extinguish the debt within the time prescribed in this act, and when a vote to that effect has been passed the amount required thereby shall be raised annually by taxation in the same manner in which other taxes are raised, without any further vote of the town.

Payment of loan.

SECTION 2. The custody and management of all property, real and personal, and the proceeds thereof, heretofore or hereafter devised, bequeathed or otherwise given to or conferred upon the town of Sudbury, in trust, or otherwise, for the benefit of said town or for public or charitable purposes therein, including the money to be borrowed under the authority of this act, shall be vested in the selectmen and town treasurer, and their successors in said offices, who shall be the Trustees of Town Donations. The said trustees shall take, hold, manage, administer and dispense all of said property and the proceeds thereof, and invest and re-invest the same, in such manner and in such other property and securities as they may deem safe and proper, unless it is otherwise provided in the instrument or writing by or under which any such devise, bequest or gift has been or shall be made, and may sell at public or private sale any such property for such sum and upon such terms as said trustees may think proper, and may in behalf of the town make, execute, acknowledge and deliver all such deeds and instruments as may be necessary to pass to the purchaser the title thereto: *provided*, that such sale and conveyance is not contrary to the terms of the instrument or writing by or under which said property was acquired. The income of all property so devised, bequeathed or given to the town shall be used for the purpose for which it was devised, bequeathed or given, and for no other, and in case a devise, bequest or gift of property to the town does not specify the particular use to be made of the same, then such property or the income thereof shall be used for such town or charitable purposes as shall be determined by the town.

Custody and management of certain property, etc.

Proviso.

SECTION 3. Said trustees shall take, hold and manage all sums of money deposited with the treasurer of the town for the care and preservation of cemetery lots under the provisions of the laws of the commonwealth, and may invest the same in savings banks in the commonwealth in separate

Trustees to hold and manage funds, etc.

accounts with each deposit, and shall pay over from the income thereof to the proper persons the sums required to carry out the purposes of said deposits.

Town treasurer to be treasurer of trustees.

SECTION 4. The town treasurer shall be the treasurer of said trustees, and as such shall have the custody of all moneys and securities mentioned in this act; shall deposit the same in such banks or depositories as the trustees shall designate, and shall pay out the same only on the written order of a majority of the trustees. He shall keep such accounts as the trustees may direct, and shall furnish a bond to the town, in addition to his bond as town treasurer, for the faithful performance of his duties, in such form, in such sum and with such sureties as the trustees shall approve, which bond shall be deposited with the town clerk. Said treasurer shall receive such compensation as shall be fixed by the trustees, which, together with the cost of said bond, if furnished by a surety company, shall be charged to and paid from the income of the funds held by the trustees in such proportions as they may determine.

Compensation of treasurer.

Report.

SECTION 5. Said trustees shall annually make a full report to the town specifying the property, real and personal, held by them, the full value thereof and the income of the same, with a detailed statement of all receipts and expenditures received or made by them during the year covered by the report.

Terms of devise, etc., not restricted.

SECTION 6. Nothing in this act shall be construed as restricting, enlarging or in any way changing the terms of any devise, bequest or gift.

Time of taking effect.

SECTION 7. This act shall take effect upon its acceptance by the town at an annual town meeting, or at any other meeting duly called for the purpose.

Approved March 22, 1911.

Chap. 181 AN ACT TO CHANGE THE NAME OF THE REFORMATORY PRISON FOR WOMEN.

Be it enacted, etc., as follows:

Change of name.

The reformatory prison for women shall hereafter be designated and known as the reformatory for women; and all acts and parts of acts that now relate to the reformatory prison for women, shall apply to the said reformatory for women.

Approved March 22, 1911.

AN ACT RELATIVE TO THE SALARY OF THE CLERK OF THE BOARD OF POLICE FOR THE CITY OF FALL RIVER. *Chap.182*

Be it enacted, etc., as follows:

SECTION 1. The salary of the clerk of the board of police for the city of Fall River shall be twelve hundred dollars a year, to be so allowed from the first day of January in the current year. Salary of clerk of board of police, city of Fall River.

SECTION 2. So much of section four of chapter three hundred and fifty-one of the acts of the year eighteen hundred and ninety-four as is inconsistent herewith is hereby repealed. Repeal.

Approved March 22, 1911.

AN ACT RELATIVE TO THE NUMBER OF WATER COMMISSIONERS OF THE TOWN OF LINCOLN. *Chap.183*

Be it enacted, etc., as follows:

SECTION 1. Hereafter the treasurer and the chairman of the selectmen of the town of Lincoln shall not, ex officiis, be members of the board of water commissioners of the said town. Water commissioners of the town of Lincoln.

SECTION 2. This act shall take effect on the first day of March in the year nineteen hundred and twelve. Time of taking effect.

Approved March 22, 1911.

AN ACT TO PROVIDE PENALTIES FOR WILFULLY MAKING FALSE REPORTS TO COMMISSIONS OR COMMISSIONERS. *Chap.184*

Be it enacted, etc., as follows:

Any person who shall wilfully make false report to the railroad commission, the gas and electric light commission, the highway commission, the insurance commissioner, the bank commissioner or the commissioner of corporations, or who shall testify or affirm falsely to any material fact in any matter wherein an oath or affirmation is required or authorized, or who shall make any false entry or memorandum upon any book, report, paper or statement of any company making report to any of the said commissions or commissioners, with intent in any case to deceive the commission or commissioner, or any agent appointed to examine the affairs of any such company, or to deceive the stockholders or any officer of any such company, or to injure or Penalties for making false reports, etc.

defraud any such company, and any person who with like intent aids or abets another in any violation of this act shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Approved March 25, 1911.

Chap.185 AN ACT RELATIVE TO THE INTRODUCTION OF FISH INTO STATE WATERS.

Be it enacted, etc., as follows:

Introduction
of fish into
state waters.

SECTION 1. It shall be unlawful to put in any of the public waters, or in any waters connecting therewith, any species of fish, or the roe, spawn or fry thereof, without having first secured the written approval of the commissioners on fisheries and game.

Penalty.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine not exceeding fifty dollars.

Approved March 25, 1911.

Chap.186 AN ACT RELATIVE TO THE EXPENSES OF THE STATE BOARD OF AGRICULTURE.

Be it enacted, etc., as follows:

R. L. 89, § 4,
amended.

SECTION 1. Section four of chapter eighty-nine of the Revised Laws is hereby amended by striking out the word "eight", in the seventh line, and inserting in place thereof the word: — sixteen, — so as to read as follows: — *Section 4.* The board may appoint and prescribe the duties of a secretary, who shall receive an annual salary of twenty-five hundred dollars, and who, with the approval of the board, may employ two clerks, the first at an annual salary of eighteen hundred dollars and the second at an annual salary of fourteen hundred dollars, and may expend for other clerical services and for lectures before the board of agriculture not more than sixteen hundred dollars a year. The secretary may publish for general distribution such parts of the annual report of said board as he considers best adapted to promote the interests of agriculture; but the expense of such publication shall be paid out of the appropriation for the dissemination of useful information in agriculture by the board.

Secretary
and clerks of
state board of
agriculture.

Parts of
report to be
printed.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1911.

AN ACT RELATIVE TO THE SHOOTING OF CERTAIN WILD FOWL. *Chap.187*

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful to pursue, hunt, take or kill any of the wild fowl included under the name of *Anatidae* during the time between two hours after sunset and two hours before sunrise. Shooting of certain wild fowl.

SECTION 2. Whoever violates the provisions of this act shall be fined a sum not exceeding fifty dollars for each bird in respect to which the violation occurs. Penalty.

Approved March 25, 1911.

AN ACT TO LIMIT THE NUMBER OF BLACK DUCKS THAT MAY BE TAKEN IN ANY ONE DAY. *Chap.188*

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful for any person to take or kill more than fifteen black ducks in any one calendar day. Limiting the number of certain game birds that may be taken, etc.

SECTION 2. Whoever violates the provisions of this act shall be fined not less than twenty dollars for each bird in respect to which the violation occurs. Penalty.

Approved March 25, 1911.

AN ACT TO AUTHORIZE WELLESLEY COLLEGE TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap.189*

Be it enacted, etc., as follows:

SECTION 1. Wellesley College is hereby authorized to hold real and personal estate in the manner and for the purposes set forth in its charter to an amount not exceeding ten million dollars: *provided, however*, that no lands in the town of Wellesley owned or occupied by said college for the purposes set forth in its charter shall be exempt from taxation, excepting the lands now so owned and occupied by said college lying north of Washington street, west of Weston road, and south of Central street in said town, and so much of the Webber estate as lies north of said Washington street, when said Webber estate shall come into its possession, and also excepting the sewerage lot, so-called, lying south of said Washington street, and a parcel of land lying east of said sewerage lot containing about four acres and bounded and described Wellesley College may hold additional estate, etc. Proviso.

as follows: — Beginning at a stone bound at the southerly corner of said four acre lot on the easterly line of said sewerage lot, thence running northeasterly two hundred fifty-three and twenty one hundredths feet to a stone bound; thence turning at a right angle and running northwesterly five hundred thirty-two and fifty-nine one hundredths feet to a stone bound; thence turning at a right angle and running southwesterly four hundred one and twelve one hundredths feet to a stone bound in the easterly line of said sewerage lot; thence turning and running southeasterly five hundred fifty-two and seventy-five one hundredths feet by said sewerage lot to the point of beginning.

Repeal.

SECTION 2. So much of chapter one hundred and fifty-one of the acts of the year eighteen hundred and eighty-four as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.
Approved March 25, 1911.

Chap.190 AN ACT TO AUTHORIZE THE TOWN OF HOLBROOK TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

Town of Holbrook Additional Water Loan, Act of 1911.

SECTION 1. The town of Holbrook, for the purposes mentioned in chapter two hundred and seventeen of the acts of the year eighteen hundred and eighty-five, may issue from time to time bonds, notes or scrip to an amount not exceeding twenty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for water supply purposes. Such bonds, notes or scrip shall bear on their face the words, Town of Holbrook Additional Water Loan, Act of 1911, and shall be issued upon the terms and conditions and with the powers specified in said chapter two hundred and seventeen: *provided*, that the amount of bonds, notes or scrip issued under authority of this act and heretofore issued by said town for the same purposes shall not exceed in the aggregate one hundred and sixty-four thousand dollars.

Proviso.

Payment of loan.

SECTION 2. Said town shall, at the time of authorizing said loan, provide for the payment thereof in annual payments of one thousand dollars each, beginning in the year nineteen hundred and twenty-four and ending in the year nineteen hundred and twenty-nine, and annual payments of two thousand dollars each, beginning in the year nineteen hundred and thirty; and when a vote to that effect

has been passed a sum which with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the assessors of said town in each year thereafter in a manner similar to that in which other taxes are assessed under the provisions of section thirty-seven of chapter four hundred and ninety, Part I, of the acts of the year nineteen hundred and nine, until the debt incurred by said loan is extinguished.

SECTION 3. This act shall take effect upon its passage.

Approved March 25, 1911.

AN ACT RELATIVE TO THE ACCOUNTS OF EXECUTORS, ADMINISTRATORS AND TRUSTEES. *Chap.191*

Be it enacted, etc., as follows:

SECTION 1. In all cases in which a tax is due under the provisions of chapter four hundred and ninety, Part IV, of the acts of the year nineteen hundred and nine, and the amount thereof cannot be ascertained, the final account of the executor, administrator or trustee liable therefor may be allowed if it appears that all taxes imposed by the provisions of said chapter upon any property or interest therein belonging to the estate to be settled by said account and already payable, the amount of which can be ascertained, have been paid, and that such property or interest therein, has been transferred to a trustee appointed by a probate court of this commonwealth who has given bond, with sufficient sureties, in such a sum as to insure the payment of all taxes which are or may become due on said estate, unless such trustee is exempted from giving sureties by the probate court appointing him; and such trustee shall be liable for such taxes and the interest thereon in the same manner and to the same amount as if he had been the executor, administrator or trustee originally liable therefor, and the property received by him shall be subject to a lien for said taxes and interest until the same are paid.

Accounts of
executors,
administrators
and trustees,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 25, 1911.

*Chap.*192 AN ACT TO EXTEND THE PRIVILEGE OF RECOGNIZANCE TO
FEMALE JUDGMENT DEBTORS.

Be it enacted, etc., as follows:

R. L. 168, § 8,
amended.

SECTION 1. Section eight of chapter one hundred and sixty-eight of the Revised Laws is hereby amended by inserting after the word “officer”, in the third line, the words: — either by delivering an attested copy to the debtor or by leaving it at her last and usual place of abode, or if the debtor fails to appear at any adjournment of the hearing, upon the request of the creditor, — by inserting after the word “him”, at the end of the third line, the words: — for examination forthwith, or at a date to be then fixed by him, — and by adding at the end of said section the words: — A debtor taken into custody on a capias issued under this or the following section shall be subject to the provisions of sections twenty-nine, thirty, thirty-one, sixty-five and sixty-six of this chapter, so far as they relate to male debtors arrested on execution, except that the only condition of the recognizance following an arrest on a capias issued under this section, shall be that within ten days after the day of her arrest she will present herself before the magistrate issuing the capias, for further proceedings as stated in section nine of this chapter, first leaving at the office of the attorney of record for the creditor in these proceedings, a written notice of the time and place at which she will so present herself, or if there is no such attorney by delivering it to the creditor, at least twenty four hours before said time, and a copy of the notice, accompanied by the debtor’s sworn statement of the time and place where said service was made, shall be filed with the magistrate, who shall cause a record of the filing of the certificate and the appearance of the debtor to be made in the proceedings, — so as to read as follows: — *Section 8.* If the debtor fails to appear at the time and place named in the citation, upon proof of service by the return of the officer, either by delivering an attested copy to the debtor or by leaving it at her last and usual place of abode, or if the debtor fails to appear at any adjournment of the hearing, upon the request of the creditor, the magistrate may issue a capias to bring her before him for examination forthwith, or at a date to be then fixed by him, which may be served by an officer qualified to serve the citation. A debtor taken into

Recognizances
of female
judgment
debtors.

custody on a *capias* issued under this or the following section shall be subject to the provisions of sections twenty-nine, thirty, thirty-one, sixty-five and sixty-six of this chapter, so far as they relate to male debtors arrested on execution, except that the only condition of the recognizance following an arrest on a *capias* issued under this section, shall be that within ten days after the day of her arrest she will present herself before the magistrate issuing the *capias*, for further proceedings as stated in section nine of this chapter, first leaving at the office of the attorney of record for the creditor in these proceedings, a written notice of the time and place at which she will so present herself, or if there is no such attorney by delivering it to the creditor, at least twenty-four hours before said time, and a copy of the notice, accompanied by the debtor's sworn statement of the time and place where said service was made, shall be filed with the magistrate, who shall cause a record of the filing of the certificate and the appearance of the debtor to be made in the proceedings.

SECTION 2. Section nine of said chapter one hundred and sixty-eight is hereby amended by inserting after the word "magistrate", in the second line, the words: — or when she appears before him in accordance with the terms of her recognizance, shall be informed by him, or under his direction, of her liability upon a subsequent default. She then, — by inserting after the word "creditor", in the fourth line, the words: — either forthwith, or at such time as may be fixed by agreement or by direction of the magistrate. The examination shall be oral or in writing, at the discretion of the magistrate, and if, — and by adding at the end of said section the words: — The examination may be adjourned from time to time in the discretion of the magistrate, and if the debtor after having once been before the magistrate by reason of a *capias* issued under section eight, again makes default, she shall be considered in contempt of the magistrate, who may issue a *capias* to bring her before him to answer therefor, and after a hearing, if no satisfactory reason is shown for the default, the magistrate may punish the debtor for the contempt by a fine not exceeding fifty dollars, or by imprisonment in jail for not more than fifteen days. The magistrate may require the debtor to continue the examination after the contempt proceedings have been disposed of, with liability to punishment in like manner for failure to attend any subsequent hearing. A

R. L. 168, § 9,
amended.

capias issued under this section may be served by an officer qualified to serve the execution, and if the arrest is made when the court is not sitting and the debtor wishes to recognize, the only condition of the recognizance shall be that she will appear before the magistrate issuing the capias at the opening of the next sitting of the court, and remain until her matter is reached for action. Under this form of recognizance the debtor shall not be required to notify the creditor or his attorney of her intention to appear. It shall be the duty of the arresting officer to be present with the capias at the opening of said sitting, and, unless sooner excused by the magistrate, he shall remain in attendance to execute such further process as may be issued in connection with said arrest. Upon the return of the capias to the magistrate the debtor shall be called and a record of the facts made in the proceedings, — so as to read as follows: — *Section 9.* The judgment debtor, when so brought before said magistrate, or when she appears before him in accordance with the terms of her recognizance, shall be informed by him, or under his direction, of her liability upon a subsequent default. She then shall be sworn to make true, full and perfect answers relative to her property and the disposal thereof; and she shall thereupon be examined by the judgment creditor either forthwith, or at such time as may be fixed by agreement or by direction of the magistrate. The examination shall be oral or in writing, at the discretion of the magistrate, and if upon written interrogatories, in the presence of the magistrate or otherwise as he shall order; and after such examination she may add such other facts as she may consider necessary, and the judgment creditor may re-examine her relative thereto. Such examination shall be signed by her and filed with said magistrate. Either party may introduce evidence relative to the subject of such examination. The examination may be adjourned from time to time in the discretion of the magistrate, and if the debtor, after having once been before the magistrate by reason of a capias issued under section eight, again makes default, she shall be considered in contempt of the magistrate, who may issue a capias to bring her before him to answer therefor, and after a hearing, if no satisfactory reason is shown for the default, the magistrate may punish the debtor for the contempt by a fine not exceeding fifty dollars, or by imprisonment in jail for not more than fifteen days. The magistrate may require the debtor to continue

Examina-
tion, etc.

the examination after the contempt proceedings have been disposed of, with liability to punishment in like manner for failure to attend any subsequent hearing. A *capias* issued under this section may be served by an officer qualified to serve the execution, and if the arrest is made when the court is not sitting and the debtor wishes to recognize, the only condition of the recognizance shall be that she will appear before the magistrate issuing the *capias* at the opening of the next sitting of the court, and remain until her matter is reached for action. Under this form of recognizance the debtor shall not be required to notify the creditor or his attorney of her intention to appear. It shall be the duty of the arresting officer to be present with the *capias* at the opening of said sitting, and, unless sooner excused by the magistrate, he shall remain in attendance to execute such further process as may be issued in connection with said arrest. Upon the return of the *capias* to the magistrate the debtor shall be called and a record of the facts made in the proceedings.

SECTION 3. Section ten of said chapter one hundred and sixty-eight is hereby amended by inserting after the word "upon", in the first line, the words: — the completion of, — so as to read as follows: — *Section 10.* If it appears upon the completion of such examination that the judgment debtor has property of the value of twenty dollars not exempt from attachment or from being taken on execution or which cannot be reached on execution, judgment to that effect shall be entered and she shall produce such property, or so much thereof as may be needed to satisfy such execution with the costs of the proceedings upon such citation; or if said property is not within the county in which the proceedings are had, or not capable of being taken on execution, she shall execute and deliver to the judgment creditor or to a person in his behalf a transfer, assignment or conveyance thereof, or of so much thereof as may be sufficient to satisfy said execution and said costs, or to secure the payment thereof. If, upon being ordered so to do, she fails to comply with such order, she shall be committed by said magistrate as for a contempt, until she complies with such order or is otherwise discharged according to law.

R. L. 168,
§ 10,
amended.

Surrender
of property,
etc.

SECTION 4. Section twenty-seven of said chapter one hundred and sixty-eight is hereby amended by inserting after the word "required", in the second line, the words: — or on a *capias* issued under sections eight or nine of this chap-

R. L. 168,
§ 27,
amended.

Arrest, etc.

ter, — so as to read as follows: — *Section 27.* An arrest shall not be made after sunset, in cases in which a certificate of a magistrate is required, or on a capias issued under sections eight or nine of this chapter, unless it is specially authorized therein for cause.

Capias, etc.

SECTION 5. The amount and date of recovery of the judgment, the names of all parties to the action, and the conditions under which the debtor may recognize when taken into custody, shall be stated in every capias issued under this act.

Repeal.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved March 25, 1911.*

Chap.193 AN ACT RELATIVE TO WORK FOR PRISONERS AND THE USE OF A LOG AND CHAIN.

Be it enacted, etc., as follows:

Repeal
R. L. 225,
§ 37.

Section thirty-seven of chapter two hundred and twenty-five of the Revised Laws, relative to work for prisoners and the use of a log and chain on prisoners, is hereby repealed.

Approved March 25, 1911.

Chap.194 AN ACT RELATIVE TO TRESPASSING UPON LANDS OF THE PRISON CAMP AND HOSPITAL AND THE INDUSTRIAL SCHOOL FOR BOYS.

Be it enacted, etc., as follows:

R. L. 112,
etc., extended.

The provisions of section one hundred and twelve of chapter two hundred and eight of the Revised Laws, and of amendments thereof, providing a penalty for trespassing upon land of certain institutions, are hereby extended and made applicable to the lands of the prison camp and hospital in Rutland, and of the industrial school for boys in Shirley.

Approved March 25, 1911.

Chap.195 AN ACT TO PROVIDE FOR STORAGE FACILITIES ON PRISON PREMISES WHERE GOODS ARE MADE FOR USE IN PUBLIC INSTITUTIONS.

Be it enacted, etc., as follows:

Storage
facilities on
prison prem-
ises, etc.

SECTION 1. There may be expended from the Prison Industries Fund such amounts as the prison commissioners

shall authorize from time to time for the purpose of providing upon prison premises storage room that may be needed in connection with the work of making goods for the use of public institutions.

SECTION 2. This act shall take effect upon its passage.
Approved March 25, 1911.

AN ACT RELATIVE TO THE USE OF SCHOOL HALLS IN THE Chap. 196
CITY OF MALDEN.

Be it enacted, etc., as follows:

SECTION 1. The city of Malden is hereby authorized to grant the temporary use of halls in school buildings upon such terms and conditions and for such public or educational purposes as the school committee of the city may deem wise: *provided, however,* that such use shall not in any way interfere or be inconsistent with the use thereof for school purposes.

Use of halls in school buildings in the city of Malden.

Proviso.

SECTION 2. This act shall be submitted to the city council of the city, and shall take effect upon its acceptance by a two thirds vote of the members present and voting, in each branch, and upon the approval of the mayor.

To be submitted to the city council.

SECTION 3. So much of this act as authorizes its submission to the city council shall take effect upon its passage, but it shall not further take effect until accepted by the city council as herein provided.

Time of taking effect.

SECTION 4. Nothing herein contained shall impair or limit the powers and duties conferred and imposed by law upon the district police.

Powers of the district police not impaired.

Approved March 25, 1911.

AN ACT TO AUTHORIZE THE CITY OF MALDEN TO ESTABLISH Chap. 197
A PUBLIC GROUNDS COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. The mayor and aldermen of the city of Malden shall, within sixty days after the acceptance of this act, as hereinafter provided, appoint five persons to be members of the public grounds commission, whose terms of office shall expire on the first day of March in the years nineteen hundred and twelve, nineteen hundred and thirteen, nineteen hundred and fourteen, nineteen hundred and fifteen, and nineteen hundred and sixteen, respectively, and shall thereafter, before March first in each year, appoint one

The city of Malden may establish a public grounds commission.

person to serve for five years as a member of said commission. The members of the commission shall hold their office until others shall be chosen and qualified in their stead. Vacancies may be filled by the mayor and aldermen at any time, and removals may be made by them for cause. The persons so appointed shall constitute the public grounds commission of the city of Malden. They shall receive no compensation for their services.

Powers and
duties.

SECTION 2. All the powers and duties vested by existing laws in the board of park commissioners of the said city shall vest in and be exercised and performed by the public grounds commission after the appointment and qualification of its members. The appointment and qualification of said public grounds commission shall abolish said board of park commissioners.

Superin-
tendence of
public burial
grounds, etc.

SECTION 3. Said commission shall have the sole care, superintendence and management of all public burial grounds in said city, may lay out any existing public burial grounds in the city or any land purchased and set apart by the city for cemeteries and other public burial grounds in lots or other suitable sub-divisions with proper paths and avenues, may plant, embellish, ornament and fence the same and erect therein such suitable edifices and conveniences and make such improvements as it considers convenient; and may make such regulations, not inconsistent with law, as it considers expedient; and shall have and exercise all the powers and duties vested by law in said city relative to cemeteries. Said commission may, by deed made and executed in such manner and form as it may prescribe, convey to any person the sole and exclusive right of burial in any lot in said cemetery and of erecting tombs, cenotaphs and other monuments or structures thereon upon such terms and conditions as its regulations prescribe. Such deeds and all subsequent deeds of such lots made by the owners thereof shall be recorded by said commission in suitable books of record, which shall be open to the public at all reasonable times. The said commission is authorized to take and hold any grant, gift, bequest or deposit that may be made upon trust, and to apply the same, or the income thereof, to the improvement or embellishment of the said cemeteries, in any manner or form consistent with the purposes for which it was established. And when such a grant, gift, bequest or deposit is made by the proprietor of a lot for its repair, preservation or embellishment, the commis-

sion may give to such proprietor an agreement or obligation in such form, and upon such terms and conditions as it may establish, binding the city to keep the lot in repair forever, or for such period as may be agreed upon. All sums of money so received shall immediately be paid to the city treasurer, and be invested by him, under the direction of said commission, in securities named or described in the law governing investments by savings banks, or by deposit in any savings bank, national bank or trust company in the commonwealth; and shall always remain separate from and independent of any other moneys or property belonging to the city, and free from the control of the city council. The income of such fund or funds shall be received by the city treasurer, and shall be appropriated by the said commission in such manner as will in its opinion promote the purposes for which such grants, gifts, bequests or deposits were made.

Said commission shall have control of any appropriation which may be made for the cemeteries by the city council, and the use and control of all receipts including the proceeds of the sales of rights of burial. All such funds shall be received and disbursed by the city treasurer.

Control of appropriation.

SECTION 4. Said commission is authorized, subject to the provisions of chapter nineteen of the Revised Laws, and acts in amendment thereof and in addition thereto, to appoint its agents and employees, define their duties and fix their compensation, and in general to do all things necessary for the proper performance of their duties. Except as hereinbefore provided, said commission shall not incur or authorize any expenditure without a previous appropriation therefor by the city council.

May appoint agents and employees.

SECTION 5. Said commission shall annually, in January, submit to the city council a report, containing a statement of the condition of the public grounds, and an account, in detail, of its receipts and expenditures.

Report.

SECTION 6. This act shall be submitted to the city council of the city, and shall take effect upon its acceptance by a two thirds vote of the members present and voting, in each branch, with the approval of the mayor.

To be submitted to the city council for acceptance.

SECTION 7. So much of this act as authorizes its submission to the city council of the city shall take effect upon its passage, but it shall not further take effect until accepted by the city council as herein provided.

Time of taking effect.

Approved March 25, 1911.

Chap.198 AN ACT RELATIVE TO THE PROTECTION OF HOMING PIGEONS.

Be it enacted, etc., as follows:

Protection
of homing
pigeons.

SECTION 1. It shall be unlawful for any person, not being the rightful owner, to catch, detain, shoot or kill, injure, or in any way interfere with a homing or carrier pigeon, or to remove any identification mark, band or other thing from such a pigeon.

Penalty.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine of not less than twenty-five nor more than fifty dollars for each pigeon in respect to which the violation occurs.

Approved March 25, 1911.

Chap.199 AN ACT RELATIVE TO THE EXAMINATION OF APPLICANTS BY THE BOARD OF REGISTRATION IN VETERINARY MEDICINE.

Be it enacted, etc., as follows:

1903, 249,
§ 5, amended.

Section five of chapter two hundred and forty-nine of the acts of the year nineteen hundred and three is hereby amended by striking out the word "and", in the last line, and by adding at the end of said section the words: — and veterinary dentistry, — so as to read as follows: — *Section 5.* Examinations shall be held at least twice annually, and shall be exclusively in writing, in English. There shall be suitable questions to test the requisite knowledge of the applicants in the following subjects: — Anatomy, surgery, physiology, animal parasites, obstetrics, pathology, bacteriology, diagnosis and practice, therapeutics, materia medica and veterinary dentistry.

Examina-
tions.

Approved March 25, 1911.

Chap.200 AN ACT TO AUTHORIZE THE TOWN OF NORTH ATTLEBOROUGH TO INCUR INDEBTEDNESS FOR THE PURPOSE OF SECURING A LOCATION FOR THE BOSTON AND PROVIDENCE INTERURBAN ELECTRIC RAILROAD COMPANY.

Be it enacted, etc., as follows:

Location of a
certain rail-
way company
in the town
of North
Attleborough.

SECTION 1. The town of North Attleborough, acting through its board of selectmen, is hereby authorized to subscribe to a fund to be paid to the Boston and Providence Interurban Electric Railroad Company for the purpose of securing a location and right of way for said railroad company, which will pass through said town and near the centre

thereof at Cheever's corner, so-called: *provided, however, that* Proviso.
said subscription shall become void in case said railroad
company shall not have constructed its railroad through
the town of North Attleborough, on or before January first,
nineteen hundred and sixteen.

SECTION 2. The town of North Attleborough, for the North Attle-
borough Elec-
tric Railroad
Loan, Act of
1911.
purpose of paying the necessary expenses and liabilities
incurred under this act, may incur indebtedness to an
amount not exceeding twenty thousand dollars, and may
issue therefor bonds or notes. Such bonds or notes shall
bear on their face the words, North Attleborough Electric
Railroad Loan, Act of 1911, shall be payable within periods
not exceeding ten years from the dates of issue, and shall
bear interest, payable semi-annually, at a rate not exceed-
ing four per cent per annum. They shall be signed by the
treasurer of the town and countersigned by a majority of
the selectmen. The town may from time to time sell such
securities, or any part thereof, at public or private sale,
but they shall not be sold for less than their par value. The
proceeds shall be paid by the treasurer of the town, upon
the order of a majority of the board of selectmen, for the
expenses and purposes aforesaid: *provided, however, that no* Proviso.
such bonds or notes shall be issued until the said railroad
has been constructed as provided in section one of this act.

SECTION 3. The town shall at the time of authorizing Payment of
loan.
the said loan provide for the payment thereof in such annual
payments as will extinguish the same within the time pre-
scribed by this act, and, when such provision has been made,
the amount required shall, without further vote, be assessed
by the assessors of the town in each year thereafter, in the
same manner in which other taxes are assessed, until the
debt incurred by the town is extinguished.

SECTION 4. This act shall take effect upon its passage.
Approved March 25, 1911.

AN ACT RELATIVE TO THE CONSTRUCTION OF A SEWERAGE Chap.201
SYSTEM BY THE TOWN OF LEXINGTON.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and 1906, 359,
§ 1, amended.
fifty-nine of the acts of the year nineteen hundred and six
is hereby amended by inserting after the word "determine",
in the eleventh line, the words: — but they may from time
to time, whether before or after beginning the work of con-

Plan of proposed system of sewerage for the town of Lexington.

Percentage of cost to be paid by abutting landowners.

struction, make such alterations in the location or character of the main or any connecting sewer as shall be approved by the state board of health after the submission of such detailed plans and descriptions as said board may require, — so as to read as follows:— *Section 1.* The town of Lexington, in establishing a system of sewerage, pursuant to the provisions of chapter five hundred and four of the acts of the year eighteen hundred and ninety-seven as hereby amended, shall construct initially sewers in such streets, ways and places, agreeably to the general scheme of sewage disposal appearing on the lithographed plan entitled “Plan showing proposed system of sewers for the town of Lexington, Mass., designed by McClintock & Woodfall, Civil Engineers”, dated 1897, and for such distances as the sewer commissioners shall determine; but they may from time to time, whether before or after beginning the work of construction, make such alterations in the location or character of the main or any connecting sewer as shall be approved by the state board of health after the submission of such detailed plans and descriptions as said board may require. Said sewers may have under-drains along such portions of them as the commissioners shall determine.

SECTION 2. If the town should, by vote passed before it authorizes the construction of a sewerage system declare that the percentage of approximate cost of such original installation to be paid by abutting landowners shall be sixty-six and two thirds per cent, instead of seventy-five per cent as now provided in said chapter three hundred and fifty-nine, the provisions thereof shall be construed as if they were hereby amended by substituting the words: — sixty-six and two thirds per cent, — for the words “seventy-five per cent”, wherever they occur in said chapter.

SECTION 3. This act shall take effect upon its passage.
Approved March 25, 1911.

Chap.202

AN ACT RELATIVE TO FEMALE TRUANTS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Committal of female truants, etc.

SECTION 1. Habitual female truants, female absentees and habitual female school offenders committed in the city of Boston shall be committed to the charge and custody of the Children’s Institutions Trustees to be by them cared for in the same manner as neglected children.

SECTION 2. All provisions of law inconsistent herewith are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.
Approved March 25, 1911.

AN ACT RELATIVE TO THE EXPENSE OF MAINTAINING AND OPERATING A CERTAIN BRIDGE ACROSS THE POWOW RIVER IN THE TOWN OF AMESBURY. Chap.203

Be it enacted, etc., as follows:

SECTION 1. The expense of maintaining and operating the Powow bridge, so-called, across the Powow river in the town of Amesbury, shall, in the first instance, be paid out of the treasury of the county of Essex. The county commissioners of the county of Essex shall have full control of said bridge and shall annually in the month of November submit to the town of Amesbury a true statement of the expense of its maintenance and operation; and within thirty days thereafter the said town shall pay into the treasury of the county of Essex sixty per cent of said expense, and if the town shall refuse or neglect to pay its proportion as required aforesaid the said commissioners shall, after a notice to the town, issue a warrant for its proportion, determined as aforesaid, with interest and the costs of the notice and warrant, and the same shall be collected and paid into the treasury of said county, to be applied in payment of the expense aforesaid. Maintenance and operation of the Powow river bridge, etc.

SECTION 2. Any street railway company having a location on said bridge shall annually pay into the treasury of the county of Essex, toward keeping said bridge in repair, a portion of the total excise and franchise taxes payable by such corporation, equivalent to the proportion of its mileage located upon said bridge to its total mileage, determined according to law. Proportion of expense to be paid by street railway companies.

SECTION 3. This act shall take effect upon its passage.
Approved March 25, 1911.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF INSPECTORS OF CRUDE PETROLEUM AND ITS PRODUCTS. Chap.204

Be it enacted, etc., as follows:

SECTION 1. The mayor and aldermen of a city, the selectmen of a town of more than fifteen hundred inhabit- Inspectors of crude petroleum, etc.

Inspection
and approval.

Ordinances,
by-laws, etc.

Repeal.

ants and, upon the written application of five or more citizens of a town of less than fifteen hundred inhabitants, the selectmen thereof, shall annually appoint and fix the compensation of one or more inspectors of petroleum who, before entering upon their official duties, shall be sworn and who shall not be interested in the sale of crude petroleum or in the sale or manufacture of petroleum or earth rock oil or in any of their products. The compensation of said inspectors shall be paid by persons who require their services under the provisions of the following section.

SECTION 2. No person shall sell or keep for sale, at wholesale or retail, for illuminating purposes any kerosene, refined petroleum or any product of petroleum, unless it has been inspected and approved by an inspector authorized in this commonwealth.

SECTION 3. Cities and towns may adopt ordinances, by-laws and regulations, not inconsistent with law, relative to the inspection of the oils named in the preceding section which have not been inspected and approved by an inspector.

SECTION 4. So much of any act as is inconsistent herewith is hereby repealed.

SECTION 5. This act shall take effect upon its passage.
Approved March 25, 1911.

Chap.205 AN ACT RELATIVE TO THE KINDS OF BUSINESS WHICH MAY
BE DONE BY INSURANCE COMPANIES.

Be it enacted, etc., as follows:

1907, 576,
§ 34, etc.,
amended.

SECTION 1. Section thirty-four of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven, as amended by chapter eighty-one of the acts of the year nineteen hundred and eight, and by chapter four hundred and eighty-eight of the acts of the year nineteen hundred and nine, and by chapter four hundred and ninety-nine of the acts of the year nineteen hundred and ten, is hereby further amended by inserting after clause "h", a new clause to be lettered clause *i*, as follows: — *i*. The kinds of business specified in the sixth clause of section thirty-two, and also insurance against the sickness and the bodily injury or the death by accident of the insured, if permitted to transact either kind, and if it has a paid-up capital of not less than two hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.
Approved March 28, 1911.

AN ACT RELATIVE TO THE APPOINTMENT OF GUARDIANS FOR *Chap.206*
INSANE PERSONS AND OF CONSERVATORS.

Be it enacted, etc., as follows:

SECTION 1. A guardian of an insane person, or a conservator of the property of a person who is unable properly to care for his property by reason of advanced age or mental weakness, shall not be appointed without such notice as the probate court may order to the heirs apparent or presumptive of such person; but the probate court may, without such notice, appoint a temporary guardian of an insane person or a conservator upon the petition of the person of whose property a conservator is to be appointed.

Appointment of guardian of insane persons, etc.

SECTION 2. The notice required by this act shall be in addition to the notice now required by law.

Notice of appointment.

SECTION 3. This act shall take effect upon its passage.

Approved March 28, 1911.

AN ACT RELATIVE TO THE APPOINTMENT AND DUTIES OF *Chap.207*
TOWN ACCOUNTANTS.

Be it enacted, etc., as follows:

Section six of chapter six hundred and twenty-four of the acts of the year nineteen hundred and ten is hereby amended by striking out the word "who", in the seventh line, and inserting in place thereof the words: — or to such committee as the town may appoint to consider and report on proposed appropriations. The selectmen, or said committee when so appointed, — so as to read as follows: —

1910, 624, § 6, amended.

Section 6. The town accountant shall immediately upon the close of the fiscal year compile statements in tabulated form so as to show the amounts appropriated and the amounts expended from each appropriation during the preceding year, and the estimates for the current year, and shall forthwith furnish a copy of the same to the selectmen, or to such committee as the town may appoint to consider and report on proposed appropriations. The selectmen, or said committee when so appointed, shall, after due consideration, designate the amounts which in their opinion should be appropriated for the ensuing year, and shall accompany the same with such explanations and suggestions in relation to proposed appropriations as they may deem desirable for the proper information of the citizens. The selectmen shall

Tabulated statements to be furnished, etc.

cause this document to be printed and to be distributed in advance of or at the annual town meeting, and the town clerk shall transmit a copy of the same and of all town reports to the director of the bureau of statistics.

Approved March 28, 1911.

Chap. 208 AN ACT RELATIVE TO THE WEEKLY PAYMENT OF WAGES BY EXPRESS COMPANIES.

Be it enacted, etc., as follows:

1909, 514,
§ 112, etc.,
amended.

Weekly pay-
ment of
wages, etc.

Section one hundred and twelve of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, as amended by chapter three hundred and fifty of the acts of the year nineteen hundred and ten, is hereby further amended by striking out the word "incorporated", in the third line, so as to read as follows:—*Section 112.* Every manufacturing, mining, or quarrying, mercantile, railroad, street railway, telegraph or telephone corporation, every express company or water company, and every contractor, person or partnership engaged in any manufacturing business, in any of the building trades, in quarries or mines, upon public works or in the construction or repair of railroads, street railways, roads, bridges or sewers, or of gas, water or electric light works, pipes or lines, shall pay weekly each employee engaged in his or its business the wages earned by him to within six days of the date of said payment, but any employee leaving his or her employment, shall be paid in full on the following regular pay day; and any employee discharged from such employment shall be paid in full on the day of his discharge, or in the city of Boston as soon as the provisions of law requiring pay rolls, bills and accounts to be certified shall have been complied with; and the commonwealth, its officers, boards and commissions shall so pay every mechanic, workman and laborer who is employed by it or them, and every person employed by it or them in any penal or charitable institution, and every county and city shall so pay every employee who is engaged in its business the wages or salary earned by him, unless such mechanic, workman, laborer or employee requests in writing to be paid in a different manner; and every town shall so pay each employee in its business if so required by him; but an employee who is absent from his regular place of labor at a time fixed for payment shall be paid thereafter on demand. The provisions of this section shall not apply to an employee

of a co-operative corporation or association if he is a stockholder therein unless he requests such corporation to pay him weekly. The board of railroad commissioners, after a hearing, may exempt any railroad corporation from paying weekly any of its employees if it appears to the board that such employees prefer less frequent payments, and that their interests and the interests of the public will not suffer thereby. No corporation, contractor, person or partnership shall by a special contract with an employee or by any other means exempt himself or itself from the provisions of this and the following section. Whoever violates the provisions of this section shall be punished by a fine of not less than ten nor more than fifty dollars. Penalty.

Approved March 28, 1911.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO GRANT A Chap.209
PENSION TO E. BRADFORD GAY.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of promoting the spirit of loyalty and patriotism, and in recognition of the sacrifice made both for the commonwealth and for the United States, and as a testimonial for most meritorious service such as the commonwealth may rightly give and such as her sons may honorably accept and receive, and in consideration of faithful services rendered to the city of Boston, the said city is hereby authorized, by vote of its city council approved in writing by the mayor, to place E. Bradford Gay, a veteran of the civil war, and late master of the Warren grammar school of the city of Boston, upon the pension roll of the city at a pension not exceeding fifty dollars a month. The city of Boston may grant a pension to E. Bradford Gay.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1911.

AN ACT RELATIVE TO VACATIONS OF MEMBERS OF POLICE Chap.210
DEPARTMENTS, EXCEPT IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Members of the police department of every city and town which shall accept this act as hereinafter provided, except the city of Boston, shall be excused from duty for one day out of every fifteen days, without loss of pay. The time and the manner of excusing members of police departments from duty, in accordance with the pro- Vacations of members of police departments.

visions of this act, shall be determined by the chief, superintendent or other officer or board at the head of the police department. A member so excused shall be exempt from duty and from attendance at a police station or other place, but otherwise shall be subject to all laws, rules and regulations relating to members of the department to which he belongs.

Time of
taking vaca-
tions, etc.

SECTION 2. The chief, superintendent or other officer or board at the head of the police department of any city or town, except the city of Boston, shall have authority, in case of any public emergency, or of any unusual demand for the services of the police in that city or town, to prevent any member of the department from taking the day off herein provided for at the time when he is entitled thereto, or at the time assigned therefor, provided that such day off shall be granted to him as soon thereafter as is practicable. In no case shall the number of such days off be less than twenty-four in each calendar year, and they shall be in addition to any annual vacation now or hereafter allowed to members of the said departments, and such annual vacation shall not be diminished on account of the days off herein provided for.

Time of
taking effect.

SECTION 3. This act shall take effect in any city upon its acceptance by the mayor and city council or corresponding board of the city, and in any town upon its acceptance by the selectmen of the town.

Approved March 28, 1911.

Chap.211 AN ACT TO AUTHORIZE SAVINGS BANKS TO RECEIVE DEPOSITS FROM SCHOOL CHILDREN.

Be it enacted, etc., as follows:

1908, 590,
§ 36,
amended.

Section thirty-six of chapter five hundred and ninety of the acts of the year nineteen hundred and eight is hereby amended by inserting after the word "given", in the thirteenth line, the following: — *provided, however,* that, in order to encourage saving among the children in the schools of this commonwealth, the corporation may, with the written consent of and under regulations approved by the commissioner and, in the case of public schools, by the commissioner and the school committee in the city or town in which the school is situated arrange for the collection of savings from the school children by the principal or teachers of such schools or by collectors. All moneys so collected shall

be entered on an individual deposit card furnished by the corporation, but the total collections received by the corporation from any one principal or teacher may be entered in the name of such principal or teacher as trustee. When, however, the amount deposited by any one pupil and credited on the deposit card equals the minimum amount upon which interest is allowed the corporation shall issue a pass book to such pupil and thereafter, when the amount deposited by the pupil and credited on the deposit card equals the sum of one dollar, it shall be transferred to the deposit book by the corporation. The principal, teacher or person authorized by the corporation to make collections from the school children shall be deemed to be the agent of the corporation and the corporation shall be liable to the pupil for all deposits made with such principal, teacher or other person and entered upon the deposit card, the same as if the deposit were made by the pupil directly with the corporation, — so as to read as follows: — *Section 36.* Such corporation shall carry on its usual business at its banking house only, and a deposit shall not be received or payment on account of deposits be made by the corporation or by a person on its account in any other place than at its banking house, which shall be in the city or town in which the corporation is established; except that the corporation may, with the written permission of and under regulations approved by the commissioner, maintain and establish one or more branch offices or depots, for the receipt of deposits only, in the city or town in which its banking house is located, or in towns not more than fifteen miles distant therefrom in which there is no savings bank at the time when such permission is given: *provided, however,* that, in order to encourage saving among the children in the schools of this commonwealth, the corporation may, with the written consent of and under regulations approved by the commissioner and, in the case of public schools, by the commissioner and the school committee in the city or town in which the school is situated arrange for the collection of savings from the school children by the principal or teachers of such schools or by collectors. All moneys so collected shall be entered on an individual deposit card furnished by the corporation, but the total collections received by the corporation from any one principal or teacher may be entered in the name of such principal or teacher as trustee. When, however, the amount deposited by any one pupil and credited on the deposit card equals

Place of
carrying on
business, etc.

Proviso.

the minimum amount upon which interest is allowed the corporation shall issue a pass book to such pupil and thereafter, when the amount deposited by the pupil and credited on the deposit card equals the sum of one dollar, it shall be transferred to the deposit book by the corporation. The principal, teacher or person authorized by the corporation to make collections from the school children shall be deemed to be the agent of the corporation and the corporation shall be liable to the pupil for all deposits made with such principal, teacher or other person and entered upon the deposit card, the same as if the deposit were made by the pupil directly with the corporation. The annual meeting, and meetings of the trustees or board of investment of such corporation, may be held at any place in the city or town in which its banking house is located.

Approved March 28, 1911.

Chap. 212 AN ACT RELATIVE TO EXCEPTIONS IN CIVIL CAUSES.

Be it enacted, etc., as follows:

R. L. 173,
§ 106, etc.,
amended.

SECTION 1. Section one hundred and six of chapter one hundred and seventy-three of the Revised Laws, as amended by section three of chapter three hundred and forty-two of the acts of the year nineteen hundred and six, is hereby further amended by striking out the words "except in actions tried by three justices of the superior court under the provisions of section five of chapter one hundred and fifty-seven", in the seventh, eighth and ninth lines, and by striking out the last sentence and inserting in place thereof the words: — The presiding justice shall thereafter, upon their presentation to him by any party to the action, examine the exceptions, and after hearing the parties, determine whether they are conformable to the truth. The excepting party may be allowed to make such amendments to his bill of exceptions as will make it a more accurate statement of the exceptions originally filed by him. If the presiding justice finds that the exceptions, with any amendments thereof thus allowed, are conformable to the truth, he shall allow them, — so as to read as follows: — *Section 106.* Exceptions may be alleged by any party who is aggrieved by an opinion, ruling, direction or judgment of the supreme judicial court or of the superior court which is rendered upon any matter of law in any civil cause, accord-

Exceptions,
etc.

ing to the course of the common law or otherwise, tried by a jury or heard by the court, or upon a motion for a new trial. The exceptions shall be reduced to writing and filed with the clerk, and notice thereof shall be given to the adverse party, in civil cases tried by a jury, within twenty days after the verdict is rendered, and in cases tried without a jury, within twenty days after the notice of the decision has been received, unless further time is allowed by the court. The presiding justice shall thereafter, upon their presentation to him by any party to the action, examine the exceptions, and after hearing the parties, determine whether they are conformable to the truth. The excepting party may be allowed to make such amendments to his bill of exceptions as will make it a more accurate statement of the exceptions originally filed by him. If the presiding justice finds that the exceptions, with any amendments thereof thus allowed, are conformable to the truth, he shall allow them.

SECTION 2. If an excepting party, in any civil cause in which exceptions may be alleged, shall not within such time after the filing of his exceptions as the court may determine to be reasonable thus present them to the court for allowance, the court in which the exceptions were taken and filed may, after notice to all parties interested, order them to be dismissed, and thereupon proceed to enter judgment in the same manner as if no exceptions had been filed. But no exceptions shall thus be dismissed within three months after the date of their filing.

Exceptions
may be dis-
missed, etc.

SECTION 3. This act shall take effect upon its passage.

Approved March 28, 1911.

AN ACT RELATIVE TO THE POWERS AND AUTHORITY OF THE WATER COMMISSIONERS OF THE TOWN OF REVERE. Chap. 213

Be it enacted, etc., as follows:

SECTION 1. The water commissioners of the town of Revere, elected under authority of chapter four hundred and fifty-seven of the acts of the year nineteen hundred and four, may expend out of the money paid for the use of water a sum not exceeding five thousand dollars in any one year for new construction.

Powers and
authority of
the water
commission-
ers of the
town of
Revere.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1911.

Chap.214 AN ACT TO AUTHORIZE THE BOARD OF RAILROAD COMMISSIONERS TO EMPLOY THE ENGINEER OF GRADE CROSSINGS APPOINTED BY THE ATTORNEY-GENERAL.

Be it enacted, etc., as follows:

The board of railroad commissioners may employ the engineer of grade crossings, etc.

Proviso.

The board of railroad commissioners is hereby authorized to employ the engineer of grade crossings appointed under the provisions of section one of chapter three hundred and seventy-two of the acts of the year nineteen hundred and eight, upon engineering work, to such extent as the board may deem expedient: *provided, however*, that such employment shall not interfere with the duties required of said engineer by said section. The board shall determine the cost of such services upon the basis of the annual compensation received by the said engineer under the provisions of the said section, and shall pay to him the amount so determined, which amount shall be deducted from such annual compensation.

Approved March 28, 1911.

Chap.215 AN ACT TO FORBID TRAPPING WITH SCENTED BAIT.

Be it enacted, etc., as follows:

To forbid trapping with scented bait.

Every person who shall set, place or locate a trap or snare of any kind with scent, so-called, or scented bait upon or near the premises of another, without the consent of the owner or occupant of said premises, shall, upon conviction, be punished for each offence by a fine of not more than fifty dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Approved March 28, 1911.

Chap.216 AN ACT RELATIVE TO THE PUNISHMENT FOR EMBEZZLEMENT.

Be it enacted, etc., as follows:

R. L. 208,
§ 44,
amended.

SECTION 1. Section forty-four of chapter two hundred and eight of the Revised Laws is hereby amended by striking out the word "ten", in the eighth line, and inserting in place thereof the word: — fifteen, — by striking out the word "one", in the ninth line, and inserting in place thereof the word: — two, — and by striking out the word "two", in the tenth line, and inserting in place thereof the word: —

four, — so as to read as follows: — *Section 44.* An officer of an incorporated bank, or a person in the employment of such bank, who fraudulently converts, or fraudulently takes and secretes with intent so to do, any bullion, money, note, bill or other security for money which belongs to and is in possession of such bank, or which belongs to any person and is deposited therein, shall, whether intrusted with the custody thereof or not, be guilty of larceny in said bank, and shall be punished by imprisonment in the state prison for not more than fifteen years or by a fine of not more than two thousand dollars and imprisonment in jail for not more than four years.

Penalty for fraudulently converting property of a bank, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1911.

AN ACT RELATIVE TO THE COLONIZING OF INSECT-DESTROY- *Chap.217*
ING BIRDS WITHIN INFESTED REGIONS.

Be it enacted, etc., as follows:

The commissioners on fisheries and game are hereby authorized to make an investigation of the means by which those birds which feed upon gypsy moths, brown tail moths, leopard moths, cut worms, and other noxious insects, can be increased or colonized within infested regions or in special locations.

Investigation of insect-destroying birds, etc.

Approved March 28, 1911.

AN ACT TO REQUIRE THE STATE BOARD OF HEALTH TO MAKE *Chap.218*
ANALYSES OF PAINT, TURPENTINE AND LINSEED OIL IN CERTAIN CASES.

Be it enacted, etc., as follows:

SECTION 1. The state board of health shall make, free of charge, a chemical analysis of paint, turpentine or linseed oil, or any synthetic substitute for any of the said articles, or any preparation containing the same, when submitted to it by the chief of the district police; and the board shall furnish to the said chief a certificate of the analysis, which shall be prima facie evidence of the composition and quality of the material so analyzed.

Analyses of paint, turpentine, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1911.

Chap.219 AN ACT TO PROVIDE FOR COMPLETING AND FURNISHING A BUILDING AT QUINCY FOR THE DISTRICT COURT OF EAST NORFOLK.

Be it enacted, etc., as follows:

Completing and furnishing a building for the district court of East Norfolk.

SECTION 1. For the purposes mentioned in chapter four hundred and seventy-seven of the acts of the year nineteen hundred and ten, and for the further purpose of furnishing the building to be erected under the provisions of said chapter, the county commissioners of the county of Norfolk may expend a sum not exceeding twenty thousand dollars, in addition to that already authorized by said chapter four hundred and seventy-seven.

The county of Norfolk may borrow money, etc.

SECTION 2. In order to meet the expenses incurred by the county under this act, the county commissioners may borrow from time to time, upon the credit of the county, a sum not exceeding twenty thousand dollars, at a rate of interest not exceeding four per cent per annum. This indebtedness shall be paid out of amounts received for taxes, at the rate of not less than four thousand dollars each year, beginning one year after said indebtedness is incurred.

SECTION 3. This act shall take effect upon its passage.

Approved March 28, 1911.

Chap.220 AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN INSPECTOR OF APIARIES AND FOR THE SUPPRESSION OF INFECTIOUS OR CONTAGIOUS BEE DISEASES.

Be it enacted, etc., as follows:

Inspector of apiaries, appointment, etc.

SECTION 1. The state board of agriculture shall annually appoint some person qualified by scientific training and practical experience in bee keeping to be state inspector of apiaries, who shall be responsible to said board for the performance of his duties under this act, and may be removed from office by said board for neglect of duty or malfeasance in office. The inspector of apiaries, with the approval of said board, may appoint such deputies, not exceeding three, as he may deem necessary. The inspector and each of his deputies shall receive five dollars for each day of service actually rendered under this act and the amount of the travelling and other necessary expenses incurred in the said service.

Duties of the inspector, etc.

SECTION 2. It shall be the duty of the inspector of apiaries to prepare and distribute from time to time such litera-

ture upon the subject of bee culture, with the approval of the state board of agriculture, as may be deemed advisable. He shall also annually make or cause to be made through his deputies such inspection of the apiaries throughout the state as may be deemed necessary to discover and suppress all bee diseases of a contagious nature, and he shall have authority, with the approval of said board, to make and issue reasonable regulations for carrying out the provisions of this act.

SECTION 3. No person shall keep a colony of bees affected with the disease known as foul brood, black brood, or with any other infectious or contagious disease harmful to honey bees in the egg, larval, pupal or adult stage, except as provided by section four of this act; and every bee keeper, when he becomes aware of the existence of such a disease among his bees, shall at once notify the inspector of apiaries of the existence of the same. Any person who, knowing that a contagious or infectious disease exists among his bees, sells, barter or gives away, or in any other way disposes of the same in whole or in part, or any product of the same, or any hive, super, frame, section or other appliance used about the diseased bees, in such manner as to cause the spread of the disease, shall, upon conviction before a court or justice, be liable to the penalties named in section nine of this act.

Keeping of bees prohibited in certain cases, etc.

SECTION 4. The inspector of apiaries shall, upon the discovery of foul brood, black brood or other infectious or contagious disease, send to the owner of the diseased bees an order in writing that such bees shall be held in quarantine until such time as the same are released by a written permit from the inspector of apiaries, and bees so placed in quarantine shall not be removed from the premises of the owner under the penalties named in section nine of this act.

Diseased bees to be held in quarantine, etc.

SECTION 5. Upon the discovery of a case of foul brood, black brood, or other infectious or contagious disease in any apiary or colony, the inspector of apiaries or his deputies shall give such instructions to the owner or caretaker thereof as to the treatment of the diseased colonies as may be necessary. If upon subsequent inspection the disease is still found to exist in the apiary or colony, the inspector of apiaries or his deputies may cause the diseased colonies to be destroyed in such manner as to prevent the spread of the disease.

Instructions in treatment of diseased bees, etc.

SECTION 6. No colony of bees shall be shipped or transported into the state for delivery to any consignee residing

Regulations concerning shipping or

transporta-
tion of bees,
etc.

within the state from any state or foreign country having an inspector of apiaries or other officer charged with the duties commonly performed by an inspector of apiaries, unless said colony be accompanied by a certificate in writing from such officer, stating that he has inspected said colony and that it is free from infectious or contagious diseases. Whenever a colony of bees shall be shipped or transported into the state from any state or foreign country not having an inspector of apiaries or other officer charged with the duties commonly performed by an inspector of apiaries, the consignee shall, upon the receipt of said colony, forthwith notify the state inspector of apiaries of its receipt and the state inspector of apiaries shall forthwith inspect the same. No transportation company or common carrier shall accept for transportation into the state or shall deliver any colony of bees from a state or foreign country having an inspector of apiaries, or other officer charged with the duties commonly performed by an inspector of apiaries, to any consignee residing within the state, unless such colony is accompanied by a certificate of inspection as heretofore provided. No common carrier shall be liable for damages to the consignee or consignor for refusing to receive, transport or deliver such a colony when not accompanied by a certificate of inspection as above provided. Nothing in this section shall be construed to prevent the transportation or delivery of queen bees when not accompanied by brood or comb.

Inspector,
etc., to have
access to
places where
bees are kept.

SECTION 7. For the purpose of enforcing this act the inspector of apiaries or his deputies shall have access, ingress and egress to and from all places where bees, bee products or supplies or appliances used in apiaries are kept.

Record to be
kept of apiaries
visited.

SECTION 8. The inspector of apiaries shall keep a detailed record of the number and location of all apiaries visited by him or his deputies, the number and location of all colonies found diseased and the treatment thereof, and the expenditure incurred in the performance of his duties. He shall report to the state board of agriculture annually, and at such other times as the board may request, and his annual report shall be published in the annual report of the state board of agriculture.

Penalties.

SECTION 9. Any person convicted of the violation of any provision of this act shall be subject to a fine not exceeding ten dollars for the first offence, to a fine not exceeding twenty-five dollars for the second offence, and to a fine not exceeding fifty dollars for any subsequent offence.

SECTION 10. A sum not exceeding two thousand dollars may annually be expended by the state board of agriculture in carrying out the provisions of this act. Expenditures.

SECTION 11. This act shall take effect upon its passage.

Approved March 28, 1911.

AN ACT TO AUTHORIZE THE TOWN OF WINTHROP TO EXTEND Chap. 221
AND IMPROVE ITS SYSTEM OF SEWERAGE.

Be it enacted, etc., as follows:

SECTION 1. The town of Winthrop is hereby authorized to lay out, construct, maintain and operate a system or systems of common sewers for a part or the whole of its territory, with such connections and other works as may be required for a system of sewerage and sewage disposal, and to extend, enlarge, improve and repair its present sewerage system; and, for the purpose of providing better surface or other drainage, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as it deems best. For the purposes aforesaid the town may within its limits, deepen, widen and clear of obstruction any brook, creek, stream or water course, and may straighten or alter the channels or divert the waters thereof, and may lay, make and maintain sub-drains, and, with the approval of the state board of health, discharge the water into any brook, stream, or water course within the town. The town of Winthrop to extend and improve its system of sewerage.

SECTION 2. The board of selectmen shall also be the board of sewer commissioners. Said board may lay, make, maintain and repair all such common sewers and main drains as it shall adjudge necessary for the public health or convenience, and shall have sole charge of the construction of the system of sewerage and sewage disposal authorized by chapter two hundred and sixty of the acts of the year eighteen hundred and eighty-eight, and of any extension, enlargement, improvement, repair and maintenance of said system or of any system of sewerage heretofore constructed or hereafter adopted by said town. All the powers and authority granted to the town of Winthrop by this act or by said chapter two hundred and sixty, and not otherwise specially provided for, shall be vested in said board of sewer commissioners. Board of sewer commissioners.

SECTION 3. Said board of sewer commissioners, acting in behalf of the town, shall have power to take, or acquire by Powers of the board.

Provisos.

Taking of
lands, etc., to
be recorded,
etc.

purchase or otherwise, any lands or flats in fee and any water rights, rights of way and easements in said town, public or private, necessary for any of the purposes mentioned in this act, and may construct within the town main drains and sewers under or over any flats, water course, bridge, aqueduct, conduit, railroad, railway or other way, or within the location of any railroad or railway, and may enter upon and dig up any private land, street, highway, or other way, or railroad or railway location, for the purpose of laying main drains and sewers, and of maintaining and repairing the same, and may do any other thing necessary or proper for the purposes of this act: *provided, however,* that said board shall not take in fee any land of a railroad corporation, and that it shall not enter upon or construct any drains or sewers within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure to agree, as may be approved by the board of railroad commissioners; *provided, also,* that said board shall not take any land or rights in land of the commonwealth known as Winthrop Shore Reservation, nor enter upon or construct any drains or other works within said land of the commonwealth, except at such time and in such manner as may be agreed upon with the commonwealth acting through such board or authority as may for the time being have the care and control of said land.

SECTION 4. Said board, in order to take any lands or flats in fee, water rights, rights of way or easements otherwise than by purchase or agreement, shall cause to be recorded in the registry of deeds for the county of Suffolk a statement signed by a majority of the board, containing a description thereof as certain as is required in a conveyance of land, and specifying that the same are taken under authority of this act, and upon such recording the title to the lands, flats, water rights, rights of way or easements described in such statements shall vest in the town of Winthrop which shall pay all damages therefor and all other damages sustained by any person or corporation through any action of said board under this act. Said board at the time of such taking shall notify the owners thereof in writing, and may agree with any person or corporation injured hereunder upon the damages sustained by such person or corporation; and, if the damages are not agreed upon, a jury in the superior court for said county may be had to determine the same, upon petition of either party, in the manner provided by law

for determining the damages for land taken for the laying out of highways; but in the case of a taking no suit or petition shall be brought after the expiration of one year from the date of the recording of the taking as herein provided; and in all other cases no suit or petition shall be brought after the expiration of one year from the time when the cause of action accrues. The owners of any parcel of land, to whom notice is herein required to be given, may be taken for the purposes of this act to be, respectively, the owners of record of any parcel two weeks before the date of the filing of the said statement.

SECTION 5. In every case of a petition for the assess- Damages.
ment of damages or for a jury, the town may, at any time, in writing, offer to be defaulted and that damages may be awarded against it for a sum therein expressed, and if the petitioner does not accept said sum with his costs up to that time, but proceeds with his suit, and does not finally recover a sum greater than that offered, not including interest from the date of the offer on the sum so recovered, the town shall recover costs from the date of such notice, for which execution shall issue, and the petitioner, if he recovers damages, shall be entitled to costs only to the said date.

SECTION 6. The town of Winthrop, for the purpose of Winthrop
Sewerage
Loan, Act
of 1911.
paying the necessary expenses and liabilities incurred under this act, may incur indebtedness to an amount not exceeding one hundred thousand dollars, and may issue from time to time therefor bonds or notes. Such bonds or notes shall bear on their face the words, Winthrop Sewerage Loan, Act of 1911, shall be payable within periods not exceeding thirty years from the dates of issue, and shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum. They shall be signed by the treasurer of the town and countersigned by a majority of the selectmen. The town may from time to time sell such securities, or any part thereof, at public or private sale, but they shall not be sold for less than their par value. The proceeds shall be retained in the treasury, and the treasurer shall, upon the order of said board of commissioners, pay therefrom the expenses incurred for the purposes aforesaid.

SECTION 7. The town shall, at the time of authorizing Payment of
loan.
the said loan or any part thereof, provide for the payment thereof in such annual payments as will extinguish the same within the time prescribed by this act; and when a vote or votes to that effect have been passed the amount required

thereby, less the amount that may be appropriated therefor, as provided in the following section, shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed, until the debt is extinguished.

Receipts
from assess-
ments, how
applied.

SECTION 8. The receipts from sewer assessments, and from payments made in lieu thereof, and the premiums, if any, received from the sale of bonds or notes issued under authority of this act, shall be applied by the board of sewer commissioners toward defraying the costs of the sewer system or systems of sewerage and sewage disposal.

Payment of
cost of sys-
tem, etc.

SECTION 9. The town of Winthrop shall by vote determine what proportion of the cost of said system or systems of sewerage and sewage disposal said town shall pay: *provided*, that it shall not pay more than one third of the whole cost. The remaining cost of said systems shall be borne by the owners of estates situated within the territory embraced by them and benefited thereby, but no estate shall be deemed to be benefited until a sewer is constructed into which it can be drained. The said board of sewer commissioners shall determine the value of the special benefit to each of the said estates, respectively, from the said system of sewers, taking into account all the circumstances of the case, and the proportionate part to be paid by the owners of the said estates, respectively, shall be based upon the amount of the special benefit to each estate, determined as aforesaid. If any assessment is invalid by reason of error or otherwise it may be re-assessed or abated. The provisions of law relative to the assessment and collection of betterments in the case of town ways shall apply to the laying out and construction of drains under this act. The owners of land or parts thereof not liable to assessment, or not in fact assessed, may use the common sewers for the disposal of their sewage from such land but only on the payment of such reasonable amount or charge as said board shall determine, which amount or charge shall be a lien on such land and shall be collected in the manner provided in the case of assessments. Every such owner shall, within three months after written notice of such assessment, served on him or on the occupants of his estate, or sent by mail to the last address of said owner known to said commissioners, pay the sum so assessed to the collector of taxes of said town: *provided*, that said board shall on the written request of any such owner, made within said three months, apportion such assessment into five equal

Provisos.

parts or instalments; and said board shall certify such apportionment to the assessors of the town, and one of said parts or instalments, with interest from the date of the apportionment at the rate of six per cent per annum, shall be added by the assessors to the annual tax on such estates for each year next ensuing, until all said parts have so been added, unless sooner paid as hereinafter provided; and *provided, further*, that nothing herein contained shall be construed to prevent the payment at any time in one payment, notwithstanding its prior apportionment, of any balance of said assessments then remaining unpaid, but interest on such balance at the rate of six per cent per annum shall be paid to the date of such payment, and thereupon the collector of taxes of said town shall receive the same and shall certify such payment or payments to the assessors, who shall preserve a record thereof.

Proviso.

SECTION 10. Said board may lay, make and maintain all particular sewers and drains from the common sewer or main drain to the street line, which shall be the property of the town. The owner of any land benefited thereby shall pay the town, for the permanent privilege of using the same, such reasonable amount as said board may determine, which may be fixed at the estimated average cost of all such particular sewers for the territory for which a system of sewers has been built or adopted. Said board may, upon request of any owner of land and payment by him of the actual cost thereof, construct a particular sewer from the street line to a house or building, and may require that all such particular sewers be laid, constructed and repaired under the direction and inspection of said board, and in accordance with its rules and regulations. Said board may require that an applicant for a connection of his land with a sewer shall pay in advance an amount equal to the estimated cost thereof, which shall be applied to the payment of such cost and the balance, if any, shall be repaid to the applicant, and no estate shall be connected with a public sewer except in the manner prescribed by this act and by the rules and regulations of said board.

Laying of particular sewers, etc.

SECTION 11. An assessment made under the provisions of section nine of this act shall constitute a lien upon the estate, which shall continue for three years after it is made and notice served as above provided, or, in case of apportionment, until the expiration of two years from the time when the last instalment is committed to the collector of

Assessments to constitute a lien upon estates, etc.

taxes; and said assessment, if not paid within three months after service of said notice, or, if apportioned, within three months after any part has become due, may, together with interest thereon at the rate of six per cent per annum, with incidental costs and expenses, be levied by the collector by sale of such estate, or so much thereof as shall be sufficient to discharge the assessment and interest and intervening charges. Such sale and all proceedings connected therewith shall be conducted in the same manner as sales for the non-payment of taxes; and real estate so sold may be redeemed the same as if sold for the non-payment of taxes, and in the same manner. Such assessments or parts thereof may also be collected by an action of contract in the name of the town of Winthrop against the owner of the estate, brought at any time within three years after the same have become due.

Jury may
revise assess-
ments, etc.

SECTION 12. Any person aggrieved by any such assessment may at any time within three months after service of the notice mentioned in section nine of this act, apply to the superior court for the county of Suffolk for a jury to revise the same, but before making such application he shall give fourteen days' notice in writing of his intention so to do to the said commissioners, and shall therein particularly specify his objection to the assessment, to which specification he shall be confined before the jury.

Superin-
tendent, etc.

SECTION 13. Said board of sewer commissioners may annually appoint a superintendent of sewers and a clerk, neither of whom shall be a member of said board, and may remove the superintendent or clerk at its pleasure. Said board may fix the compensation of the superintendent and clerk and define their duties, but the amount of such compensation shall not exceed the appropriation therefor. The compensation of the commissioners shall be fixed by the town.

Contracts.

SECTION 14. All contracts made by said board of commissioners shall be made in the name of the town and shall be signed by a majority of the board; but no contract shall be made or obligation incurred by the commissioners for any purpose in excess of the amount of money appropriated by the town therefor.

Rules and
regulations,
etc.

SECTION 15. Said commissioners may from time to time prescribe rules and regulations for the connecting of estates and buildings with main drains and sewers, and for the inspection of the materials, the construction, alteration and

use of all connections and drains entering into such main drains or sewers, and may impose penalties not exceeding twenty dollars for every violation of any such rule or regulation. Such rules or regulations shall be published not less than once a week for three successive weeks in some newspaper published in the town of Winthrop, if there be any, and if not, then in some newspaper published in the county of Suffolk, and shall not take effect until such publication has been made. The board of health of said town may require an owner or lessee of any building upon land abutting on a public or private way, court or passageway in which there is a public sewer, and the owner or lessee of any building upon land which abuts on a public sewer or through which a public sewer has been constructed, to connect the same therewith by a sufficient drain or sewer, and any such owner or lessee who fails to comply with such order shall be punished by a fine of not more than two hundred dollars.

SECTION 16. The provisions of this act, so far as they are the same as those of said chapter two hundred and sixty of the acts of the year eighteen hundred and eighty-eight, or of the general laws relating to sewers and drains and sewer commissioners, shall be construed as a continuation thereof, and not as new enactments, and the provisions of this act shall not affect any act done, ratified or confirmed, or any right accrued or established at the time of the taking effect and the adoption of this act by the town of Winthrop as hereinafter provided, and all acts and things done, and all rights accrued or established under or by virtue of said chapter two hundred and sixty, or of any other act, are hereby ratified and confirmed. Except as herein provided so much of said chapter two hundred and sixty, or of any other act, as is inconsistent herewith, is hereby repealed.

Provisions
of act con-
strued, etc.

SECTION 17. This act shall take effect upon its passage, but no expenditure shall be made and no liability incurred hereunder until this act has been accepted by a majority of the voters of said town voting thereon at a legal meeting called for the purpose.

Time of
taking effect.

Approved March 28, 1911.

AN ACT TO AUTHORIZE THE ELECTION OF HIGHWAY SUR- *Chap. 222*
VEYORS FOR THE TERM OF THREE YEARS.

Be it enacted, etc., as follows:

SECTION 1. A town which has voted to accept the provisions of section three hundred and sixty-four of chapter

Election of
highway
surveyors.

five hundred and sixty of the acts of the year nineteen hundred and seven, or has voted to accept corresponding provisions of earlier laws, may at an annual meeting, if official ballots are not used, otherwise at a meeting held at least thirty days before the annual meeting at which said change is to become operative, vote that the term of office of the highway surveyor shall be three years.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1911.

Chap. 223 AN ACT RELATING TO SMOKE NUISANCE IN THE CITY OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1. In the city of Holyoke, the emission, except by locomotive engines or brick kilns, into the open air, of dark smoke or dense gray smoke, without a permit therefor from the mayor and aldermen, as hereinafter provided, is hereby declared a nuisance.

SECTION 2. The mayor and aldermen of the said city may prescribe by ordinance in what parts, districts, sections or streets of the city the emission of such dark or dense gray smoke, otherwise than from locomotive engines or brick kilns, may be permitted, with such rules and regulations governing such emission as they may deem advisable, and may fix a penalty for violation of the ordinance of not more than one hundred dollars for each offence.

SECTION 3. The ordinance shall designate some official who shall be charged with the enforcement thereof, and who shall see that its provisions are strictly enforced. He may apply to the supreme judicial court or superior court, or to any justice thereof, either in term time or vacation, for an injunction to restrain the further operation of any furnace or steam boiler which is being operated in such a manner as to create a nuisance as herein defined; and said court or justice may, after hearing the parties, enjoin the further operation of any such furnace or boiler.

SECTION 4. This act shall take effect upon its passage.

Approved March 28, 1911.

Smoke
nuisance in
the city of
Holyoke.

Mayor and
aldermen
may make
rules and
regulations,
etc.

Enforcement
of act.

AN ACT RELATIVE TO THE COFFIN SCHOOL IN THE COUNTY *Chap.224*
OF NANTUCKET.

Be it enacted, etc., as follows:

Section three of chapter one of the acts of the year eight-
een hundred and twenty-seven, approved June 8, 1827, is
hereby amended by inserting after the word "resignation",
in the eighth line, the words: — or disability, — and by strik-
ing out the words "or removal from the town of Nantucket:
provided, always, that the trustees shall all be the descend-
ants of the before mentioned Tristram Coffin, in the male
or female line", — so as to read as follows: — *Section 3.*
Be it further enacted, That the said trustees, for the time
being, shall be the visitors and governors of said institution,
and shall have full power, from time to time, to elect such
officers thereof as they shall judge necessary and convenient,
and fix the tenure of their respective offices, and to fill up
all vacancies that may happen in the board of trustees by
death, resignation, or disability; to determine the times and
places for holding their meetings; the manner of notifying
the trustees; to ascertain the powers and duties of their
several officers; to elect instructors and prescribe their duties;
to make and ordain reasonable rules, orders, and by-laws,
for the government of the institution, provided the same be
not repugnant to the laws of the commonwealth.

1827, 1, § 3,
amended.

Election of
officers, etc.

Approved March 28, 1911.

AN ACT TO PROVIDE FOR THE PAYMENT BY THE COUNTY OF *Chap.225*
ESSEX OF A SUM OF MONEY TO GEORGE G. ADAMS.

Be it enacted, etc., as follows:

SECTION 1. The county of Essex shall pay to George G.
Adams of Lawrence, in said county, the sum of eight thou-
sand dollars, in full compensation for services rendered by
him to the county of Essex as an architect, in regard to the
proposed building of a new registry of deeds and probate
court in the city of Salem, as authorized by chapter two
hundred and sixty-six of the acts of the year nineteen hundred
and two; and the county commissioners of the county are
hereby authorized to issue a note or notes for this sum for
a period not exceeding twelve months.

The county
of Essex may
pay a certain
sum of money.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1911.

*Chap.*226 AN ACT TO ESTABLISH THE DIGHTON WATER SUPPLY DISTRICT
AND TO PROVIDE FOR SUPPLYING THE SAME WITH WATER.

Be it enacted, etc., as follows:

Dighton
Water Sup-
ply District
established.

SECTION 1. The inhabitants of the town of Dighton liable to taxation in that town and residing within the territory enclosed by the following boundary lines, to wit: — Beginning at the line between the town of Somerset and the town of Dighton where the same intersects Taunton Great river; thence northerly, following the bank of said river to a point on the river directly opposite the residence of Walter C. Talbot; thence westerly, following the northerly bound of said Talbot's property to Somerset avenue; thence still westerly, crossing said Somerset avenue, to the westerly bound of property of John E. Chandler; thence southwesterly, in a straight line, to the bridge on Main street which crosses Richmond brook; thence southeasterly by said Richmond brook to the easterly line of the tracks of the New York, New Haven and Hartford railroad on said brook; thence southerly by said tracks of the New York, New Haven and Hartford railroad to the Somerset and Dighton line; and thence easterly to the point of beginning, — shall constitute a water district, and are hereby made a body corporate, by the name of the Dighton Water Supply District, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and to take, or acquire by lease, purchase or otherwise, and to hold property, lands, rights of way and easements for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of the district.

May acquire
and hold
waters of cer-
tain streams
and ponds,
etc.

SECTION 2. Said Dighton Water Supply District for the purposes aforesaid may take, or acquire by purchase or otherwise, and hold the waters of any stream or pond or any ground sources of supply, by bored or driven wells, in the town of Dighton, and may also take, or acquire by purchase or otherwise, and hold all rights of way, easements and lands in the town of Dighton necessary for holding such waters or protecting the same from contamination, or for conveying the same to and through said district. No sources of

water supply for domestic purposes, and no lands necessary for protecting the said waters as aforesaid, shall be taken under this act without the consent and approval of the state board of health. Said district may construct on the lands thus acquired proper dams, buildings, fixtures and other structures, and may do such other things as may be necessary for providing and maintaining complete and effective water works; and for that purpose may construct wells and reservoirs, and establish pumping works, may construct, lay and maintain aqueducts, conduits, pipes, and other works, under and over any land, water courses, railroads, railways, and public or other ways, and along any highway or other way in the town of Dighton, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying and maintaining and repairing such aqueducts, conduits, pipes and other works, and for all other purposes of this act, said district may dig up, raise and embank any such lands, highways or other ways in such manner as to cause the least possible hindrance to public travel; but all things done upon such ways shall be subject to the direction of the selectmen of the town. The title to all land acquired under the provisions of this act shall vest in said Dighton Water Supply District, and the said land shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interests of said district.

May construct
dams, build-
ings, etc.

SECTION 3. Said Dighton Water Supply District shall, within ninety days after the taking of any lands, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for Bristol county, northern district, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Taking of
lands, etc.

SECTION 4. Said Dighton Water Supply District shall pay all damages to property sustained by any person or corporation by the taking of any water, water source, water right, land, right of way or easement, or by any other thing done by said district under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with said district as to the amount thereof, may have the damages assessed and determined in the manner provided by law in the case of land taken for highways, on application therefor at any time within one year after

Damages.

the taking of such land or other property, or the doing of other injury under authority of this act. No application for assessment of damages shall be made for the taking of any water rights, or for any injury thereto, until the water is actually withdrawn or diverted under authority of this act.

Damages.

SECTION 5. In every case of a petition to the superior court for an assessment of damages the said district may tender to the petitioner or his attorney any sum, or may bring the same into court to be paid to the petitioner, for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed, and if the petitioner does not accept such sum, with his costs up to that time, but proceeds in his suit, and does not recover greater damages than were so offered or tendered, not including interest on the sum recovered in damages from the date of such offer or tender, the Dighton Water Supply District shall have judgment for its costs after said date, for which execution shall issue; and the petitioner, if he recovers damages, shall be allowed his costs only to the date of such offer or tender.

Dighton
Water Sup-
ply District
Loan.

SECTION 6. For the purpose of paying all expenses and liabilities incurred under the provisions of this act said district may, when authorized by a two thirds vote of the voters present and voting at a legal meeting held for the purpose, from time to time issue bonds, notes or certificates of debt, signed by the treasurer of the Dighton Water Supply District and countersigned by the chairman of the water commissioners hereinafter provided for, to be denominated on the face thereof, Dighton Water Supply District Loan, to an amount not exceeding forty thousand dollars, payable at periods not exceeding thirty years from the dates of issue, and bearing interest, payable semi-annually, at a rate not exceeding four and one half per cent per annum. Said district may sell such securities at public or private sale, at not less than par, upon such terms and conditions as it may deem proper. Said district shall pay the interest upon the loan as it accrues, and shall provide at the time of authorizing said loan for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed by this act, the first of such annual payments to be made at or before the expiration of five years from the date of the first issue of any of the securities authorized by this act; and when a vote to this

effect has been passed the amount required thereby shall, without further vote of said district, be raised by taxation in the same manner in which money is raised for town purposes.

SECTION 7. Said district shall raise by taxation annually a sum which with the income derived from the sale of water will be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds, notes or certificates of debt issued by the district, together with such payments on the principal as may be required under the provisions of this act. Said district is further authorized, by a two thirds vote of the voters thereof present and voting at a legal meeting held for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional pipes, appliances and fixtures connected therewith, not exceeding two thousand dollars in any one year.

Payment of expenses of operating the water works, etc.

SECTION 8. Whenever a tax is duly voted by said district for the purposes of this act the clerk shall send a certified copy of the vote to the assessors of the town of Dighton, who shall proceed within thirty days to assess the same in the same manner in which town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the manner and at the time provided for the collecting of town taxes, and shall deposit the proceeds with the district treasurer for the use and benefit of said district. Said district may collect interest on overdue taxes in the same manner as taxes and interest are authorized to be collected by the town: *provided*, that the district at the time of voting to raise the tax shall so determine, and shall also fix a time for the payment thereof.

Certified copy of vote to assess a tax to be sent to the assessors, etc.

Proviso.

SECTION 9. Said district may make such contracts with individuals, corporations, and the town of Dighton for supplying water as may be agreed upon, and may extend its pipes for that purpose, under the direction of the selectmen of the town of Dighton, through the streets and highways of said town lying outside the corporate limits of said district. Said district may fix and collect rates for the use of such water and may discontinue or shut off the water for the non-payment thereof, and for violation of the terms of any contract made in accordance with this section.

Contracts, etc.

SECTION 10. The first meeting of said district shall be called on petition of ten or more legal voters therein, by a

First meeting, etc.

warrant from the selectmen of the town of Dighton, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. One of the selectmen shall preside at the meeting until a clerk is chosen and sworn. After the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the voters, and if it shall be accepted by a majority vote of the voters present and voting thereon it shall go into effect, and the meeting may then proceed to act on the other articles contained in the warrant.

Water commissioners,
election,
term, etc.

SECTION 11. The Dighton Water Supply District shall, after the acceptance of this act at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as the district may impose by its vote. Said commissioners shall appoint a treasurer of said district, who shall not be one of their number, who shall give bonds to the district to such an amount and with such sureties as may be approved by the commissioners; and a majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said water district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of the water works except by a written order of said commissioners or a majority of them. The commissioners shall annually make to said district a full report in writing of their doings and expenditures.

By-laws, etc.

SECTION 12. Said district may adopt by-laws prescribing by whom and how meetings may be called and notified, and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section ten. Said district may also provide rules and regulations for the management of its water works, not

inconsistent with this act or with the laws of the commonwealth, and may choose such other officers not provided for in this act as it may deem necessary or proper.

SECTION 13. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, stand-pipe, aqueduct, pipe or other property owned or used by said district for the purposes of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding six months.

Penalty for corrupting, etc., water.

SECTION 14. This act shall take effect upon its acceptance by a majority vote of the voters of said district present and voting thereon by ballot at any legal district meeting called for the purpose within three months after the passage of this act; but it shall become void unless the said district shall begin to distribute water through its pipes to consumers in said Dighton Water Supply District within three years after the date of the acceptance of this act as aforesaid.

Time of taking effect.

Approved March 31, 1911.

AN ACT RELATIVE TO LYNN HARBOR.

Chap. 227

Be it enacted, etc., as follows:

Chapter six hundred and six of the acts of the year nineteen hundred and ten is hereby amended by striking out section three and inserting in place thereof the following:

1910, 606, § 3, amended.

— *Section 3.* If the said commission shall report that in its judgment no abatement of said nuisance and no improvement of said harbor should forthwith be undertaken under the provisions of this act, then no further proceedings shall be had under this act. If the said commission shall report that in its judgment said nuisance should be abated or said harbor be improved under the provisions of this act, then the municipal council of the city of Lynn, within three months after the date of receiving such report, shall either approve the report or reject it: *provided, however,* that any distinct and separable recommendation, relating to the abatement of said nuisance may be approved or rejected by said municipal council without affecting its approval or rejection of those provisions of the report relating to the improvement of the harbor. If the municipal council rejects the report,

Report of commission.

Proviso.

no further proceedings shall be had under this act. If the municipal council approves the report, in whole or in part, the question of further proceedings shall be submitted within nine months thereafter to the qualified voters of Lynn in the following form: — “Shall the action of the municipal council approving the report of the commission on the investigation of Lynn harbor be confirmed?” or “Shall the action of the municipal council approving in part the report of the commission on the investigation of Lynn harbor be confirmed?” If a majority of the votes cast on said question are in the affirmative, then this act shall be in full force and effect. If a majority of said votes are in the negative, then this act shall have no further effect. If the voters confirm said report, as provided in this section, the governor shall appoint a commission consisting of three persons who shall have the qualifications required in section one, and whose compensation shall be determined and paid as therein provided. Wherever the word “commission” is hereinafter used, it shall mean the commission appointed under this section, unless a different meaning is expressly given to it. Said commission shall be known as the Commission on the Improvement of Lynn Harbor.

Approved March 31, 1911.

Chap. 228 AN ACT RELATIVE TO THE PAYMENT OF DEPOSITS MADE IN SAVINGS BANKS AND OTHER BANKING INSTITUTIONS IN THE NAMES OF TWO PERSONS.

Be it enacted, etc., as follows:

Deposits in savings banks, etc., in the names of two persons.

SECTION 1. When a deposit has been made, or shall hereafter be made, in any bank, savings bank or institution for savings in the names of two persons, payable to either, or payable to either or the survivor, such deposit, or any part thereof, or interest or dividend thereon, if not then attached at law or in equity in a suit against either of said persons, may be paid to either of said persons, whether the other be living or not, and such payment shall discharge the bank, savings bank or institution for savings making such payment from its obligation, if any, to such other person or to his legal representatives for or on account of such deposit. For the purposes of this act the term “bank” shall include any person or association of persons carrying on the business of banking, whether incorporated or not.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1911.

AN ACT RELATIVE TO THE EMPLOYMENT OF WOMEN IN MERCANTILE, MANUFACTURING AND MECHANICAL ESTABLISHMENTS. *Chap.229*

Be it enacted, etc., as follows:

SECTION 1. No woman shall knowingly be employed in laboring in a mercantile, manufacturing or mechanical establishment within two weeks before or four weeks after childbirth. Employment of women, etc.

SECTION 2. The foregoing section shall be included in the notice with regard to the employment of women now required to be posted in mercantile, manufacturing and mechanical establishments, and the provisions thereof shall be enforced by the district police. Notice to be posted.

SECTION 3. Violations of section one of this act shall be punished by a fine not exceeding one hundred dollars. Penalty.

SECTION 4. This act shall take effect on the first day of January, nineteen hundred and twelve. Time of taking effect.

Approved March 31, 1911.

AN ACT TO PROVIDE FOR REPAIRS AND ALTERATIONS OF THE BRIDGE OVER THE WEYMOUTH FORE RIVER IN THE CITY OF QUINCY AND THE TOWN OF WEYMOUTH. *Chap.230*

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Norfolk, and the trustees having charge of the said bridge over the Weymouth Fore river, are hereby authorized and directed within one year after the passage of this act to make such repairs to the present bridge over Weymouth Fore river in the city of Quincy and the town of Weymouth as said county commissioners, and said trustees, with the approval of the board of harbor and land commissioners, shall deem reasonably necessary and proper, and to widen the draw in the said bridge so that it shall have an opening not less than one hundred and twenty-five feet wide. Repairs, etc., of bridge over Weymouth Fore river.

SECTION 2. The costs and expenses incurred hereunder shall in the first instance be paid by the county of Norfolk; and the county commissioners of said county are hereby authorized and directed to borrow on the credit of the county such sums of money as may from time to time be required therefor. All moneys so borrowed shall be deposited in the county treasury, and the treasurer of the county shall pay Costs and expenses.

Apportion-
ment of ex-
pense, etc.

out the same, as ordered by the county commissioners, and shall keep a separate and accurate account of all sums borrowed and expended, including interest.

SECTION 3. The cost of the said repairs and alterations shall be borne by the county of Norfolk and the cities, towns and corporations found by the commissioners appointed under section three of chapter four hundred and fifty-six of the acts of the year nineteen hundred, and acts in addition thereto and in amendment thereof, to be specially benefited by said bridge in the same relative proportion in which they contributed to the cost and expense of building the bridge. When the said repairs and alterations are completed and the full cost and expense of the same ascertained, said county commissioners and said trustees shall file their report of the fact in the office of the clerk of courts for the county of Norfolk, together with the amount of such cost and expense, including interest paid on moneys borrowed under the authority of section two of this act, and a statement of the amounts to which the county of Norfolk and said cities, towns and corporations are liable hereunder. The county of Norfolk and said cities, towns and corporations liable hereunder shall, within such time and in such manner as said county commissioners shall determine, pay into the treasury of the county of Norfolk the amount for which they are liable with interest. The superior court for the county of Norfolk may enter a judgment or decree which shall be binding upon all parties liable hereunder and such proceedings may be had upon such judgment or decree to enforce and carry into effect the same and the provisions of this act as are provided by law in civil cases in said superior court.

SECTION 4. This act shall take effect upon its passage.

Approved April 1, 1911.

Chap.231 AN ACT TO PROVIDE FOR THE RETIREMENT OF THE JUSTICES OF THE MUNICIPAL COURT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Retirement
of justices of
the munic-
ipal court of
Boston.

SECTION 1. The chief justice and any associate justice of the municipal court of the city of Boston, who shall resign his office after having attained the age of seventy years and after having served in said court at least twenty consecutive years, shall, during the remainder of his natural life, receive

an amount equal to three fourths of the salary payable to him by law at the time of his resignation, to be paid by the county of Suffolk in the same manner in which the salaries of acting justices are paid.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1911.

AN ACT RELATIVE TO THE DISPLAY OF THE UNITED STATES Chap.232
FLAG ON SCHOOLHOUSES.

Be it enacted, etc., as follows:

Section fifty of chapter forty-two of the Revised Laws, as amended by chapter two hundred and twenty-nine of the acts of the year nineteen hundred and nine, is hereby further amended by striking out said section and inserting in place thereof the following new section: — *Section 50.* The school committee of every city and town shall provide for each schoolhouse in which a public school is maintained and which is not otherwise supplied, a United States flag of silk or bunting not less than four feet in length, and suitable apparatus whereby the flag shall be displayed on the schoolhouse building or grounds every school day when the weather permits, and on the inside of the schoolhouse on other school days. Failure to observe this law for a period of five consecutive days upon the part of the master or principal in charge of the school at the time shall be punished by a fine of not more than five dollars for each period of five days of such negligence, unless such failure is caused by the school committee in not providing the said master or principal with a flag, in which case the said penalty shall be imposed on those directly responsible for the failure so to supply the said master or principal. Said penalty shall be imposed by any court of competent jurisdiction within the commonwealth.

R. L. 42,
§ 50, etc.,
amended.

Flags to be
displayed on
schoolhouses.

Penalty.

Approved April 5, 1911.

AN ACT TO ESTABLISH THE WORTHINGTON FIRE DISTRICT AND Chap.233
TO PROVIDE FOR SUPPLYING THE SAME WITH WATER.

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Worthington liable to taxation in that town and residing within the territory enclosed by the following boundary lines, to wit: — Beginning at a point where the highway from Worthington

Worthington
Fire District
established.

Worthington
Fire District
established.

church green to Starkweather hill, so-called, intersects the brook flowing in a southerly direction west of the green; thence following the course of the brook southerly, across the road from Worthington Centre to Middlefield, to the northern boundary of the property of Lyman Mayhew; thence easterly on said boundary to the highway; thence northerly on the east side of the highway to the boundary between land of Lyman Mayhew and of W. L. Smith; thence due east to a discontinued highway leading to the property of G. T. Dodge; thence northerly on said discontinued road to the highway from Ringville to West Chesterfield; thence to the site of the dam of the old reservoir; thence northerly on the brook to the highway leading from Worthington Centre to Drury Corners, so-called; thence from the intersection of said brook and said highway to a point on the highway from Worthington Corners to Chesterfield, where the line between the mowing land and pasture of Horace Bartlett intersects the highway; thence northerly to a corner on the northerly line of the meadow land of the Edwin H. Dodge property, so-called, said corner being about twenty-five rods east of the highway from Worthington Corners to the North Cemetery, and being on the line between said Dodge estate and the Rice farm, so-called; thence westerly on the line between said Dodge and Rice farms to a corner on the easterly line of land of E. S. Brewer; thence southerly on the line between said Brewer and said Dodge estate, and continuing southerly on walls between lands of said Brewer and land formerly owned by Dwight Stone, and between land of said Brewer and the Noyes Bartlett property, so-called, to the highway leading from Worthington Corners to West Worthington; thence crossing the road and still continuing southerly on walls in the same general line as heretofore where the property of said Brewer adjoins land of F. Scott and Lucy Kilbourn; thence southerly in the same general line on wall between land of Lucy Kilbourn and of John Barri, and between land of said Barri and of James Kirkham to a corner at the southerly end of said wall, said corner being on the northerly line of what was formerly known as the Frederick S. Huntington estate; thence southwesterly to place of beginning at the intersection of the highway and the stream first named, — shall constitute a fire district, and are hereby made a body corporate, by the name of the Worthington Fire District, for the purpose of supplying themselves with water for the

extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants, and to relocate and discontinue the same; to regulate the use of such water and to fix and collect rates to be paid therefor, and to take, or acquire by lease, purchase, or otherwise, and to hold property, lands, rights of way, and easements for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of the district.

SECTION 2. Said fire district, for the purposes aforesaid, may take, or acquire by purchase or otherwise, and hold the waters of any pond or stream or of any ground sources of supply by means of driven, artesian or other wells within the limits of the town of Worthington, and the water rights connected with any such water sources, and may also take, or acquire by purchase or otherwise, and hold all lands, rights of way and easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district: *provided, however*, that no source of water supply and no lands necessary for preserving the quality of such water, shall be taken or used without first obtaining the advice and approval of the state board of health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board. Said district may construct on the lands acquired under the provisions of this act, proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways in the Worthington Fire District, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, said district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; and all

May take water from ponds and streams, etc.

Proviso.

things done upon any such way shall be subject to the direction of the selectmen of the town of Worthington.

Taking of
land, etc., to
be recorded.

SECTION 3. Said fire district shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements under the provisions of this act, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Hampshire a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for. The title to all land taken, purchased or acquired in any way under the provisions of this act shall vest in said Worthington Fire District, and the land so taken may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of said district.

Damages,
etc.

SECTION 4. Said district shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by anything done by said district under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with said district as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within the period of two years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of two years, and no application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said district under authority of this act. Said district may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages caused by such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, and in such event said district shall be further liable only for the additional damages caused by such additional taking.

Worthington
Fire District
Loan.

SECTION 5. Said district, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding twenty-five thousand

dollars. Such bonds, notes or scrip shall bear on their face the words, Worthington Fire District Loan; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding five per cent per annum; and shall be signed by the treasurer of the district and countersigned by the chairman of the water commissioners hereinafter provided for. Said district may sell such securities at public or private sale, upon such terms and conditions as it may deem proper, but they shall not be sold for less than their par value. The town of Worthington may, at its annual town meeting or at a legal meeting called for the purpose guarantee the payment of such bonds, notes or scrip.

SECTION 6. Said district shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said district, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be raised annually by taxation in the manner hereinafter provided.

Payment of
loan.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of the town of Worthington, who shall proceed within thirty days thereafter to assess the same in the same manner in which town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect overdue interest on taxes in the manner in which interest is authorized to be collected on town taxes: *provided*, that said district at the time of voting to raise the tax shall so determine and shall also fix a time for payment thereof.

Tax voted
by the dis-
trict, etc.

Proviso.

SECTION 8. The first meeting of said district shall be called on petition of ten or more legal voters therein, by a

First meet-
ing, etc.

warrant from the selectmen of the town of Worthington, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of said warrant in two or more public places in said district seven days at least before the time of the meeting. One of the petitioners shall preside at the meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. After the choice of a moderator for said meeting the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority vote of the voters present and voting thereon it shall take effect, and the meeting may then proceed to act on the other articles contained in the warrant.

Water commissioners,
election,
term, etc.

SECTION 9. The Worthington fire district shall, after the acceptance of this act as aforesaid, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as the district may impose by its vote. Said commissioners shall appoint a treasurer of the district, who may be one of their number, who shall give bonds to the district to such an amount and with such sureties as may be approved by the commissioners. A majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said fire district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of the water works except by a written order of said commissioners or a majority of them.

Water rates,
etc.

SECTION 10. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal, as they accrue, upon any bonds, notes or scrip issued under authority of this act. If there should be a net surplus remaining after

providing for the aforesaid charges, it shall be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. No money shall be expended in new construction by the water commissioners except from the net surplus aforesaid, unless the district appropriates and provides money therefor. Said commissioners shall annually, and as often as the district may require, render a report upon the condition of the works under their charge and an account of their doings, including an account of receipts and expenditures.

SECTION 11. Said district may adopt by-laws prescribing by whom and how meetings may be called and notified; and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section eight. Said district may also choose such other officers not provided for in this act as it may deem necessary or proper. By-laws, etc.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, stand-pipe, aqueduct, pipe or other property owned or used by said district for the purposes of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment in jail for a term not exceeding six months. Penalty for corrupting water, etc.

SECTION 13. This act shall take effect upon its acceptance by a majority vote of the voters of said district present and voting thereon at a district meeting called in accordance with the provisions of section eight, within three years after the passage of this act; but it shall become void unless the said district shall begin to distribute water to consumers within three years after the date of the acceptance of this act as aforesaid. Time of taking effect.

Approved April 5, 1911.

AN ACT RELATIVE TO THE USE OF LIVE DECOYS FOR HUNTING WATER FOWL IN THE COUNTY OF NANTUCKET. Chap.234

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and ninety-two of the acts of the year nineteen hundred and six is hereby amended 1906, 292,
§ 1, amended.

Use of live
decoys
prohibited.

by striking out section one and inserting in place thereof the following: — *Section 1.* It shall be unlawful to use live decoys for the hunting, taking or killing of water fowl of any kind in the county of Nantucket. The possession of live decoys shall be deemed prima facie evidence of an intent to use the same for the hunting, taking or killing of water fowl in violation of the provisions of this section.

Penalty.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine of not less than twenty nor more than fifty dollars for each offence.

Approved April 5, 1911.

Chap. 235 AN ACT RELATIVE TO HUNTERS' CERTIFICATES OF REGISTRATION.

Be it enacted, etc., as follows:

1908, 484,
§ 1, amended.

SECTION 1. Section one of chapter four hundred and eighty-four of the acts of the year nineteen hundred and eight is hereby amended by inserting after the word "law", in the third line, the words: — or use a gun for hunting, except as herein provided, — so as to read as follows: —

Registration
of hunters.

Section 1. No citizen of the United States resident in Massachusetts shall hunt, pursue, take, or kill any bird or quadruped protected by law, or use a gun for hunting, except as herein provided, without first having obtained a certificate of registration as hereinafter provided: *provided, however,* that nothing in this act shall be construed as affecting in any way the provisions of the general laws relating to trespass, or as authorizing the hunting, pursuing, taking, wounding, or killing, or the possession of birds or quadrupeds contrary to any laws now or hereinafter in force, nor shall the possession of such certificate of registration grant or confer any privilege not enjoyed prior to the passage of this act.

Proviso.

1908, 484,
§ 2, amended.

SECTION 2. Section two of said chapter four hundred and eighty-four is hereby amended by inserting after the word "citizen", in the second line, the words: — who shall prove to the satisfaction of the clerk issuing said license that he is a citizen of this state, — by inserting after the word "game", in the sixth line, the words: — *provided, however,* that an application for a license for a minor under sixteen years of age must be accompanied by a written request from his parent or guardian, — and by inserting before the word "produced", in the fifteenth line, the words: — carried

on the person when hunting and, — so as to read as follows:

— *Section 2.* The clerk of any city or town shall, upon the application of any such bona fide resident citizen, who shall prove to the satisfaction of the clerk issuing said license that he is a citizen of this state, and the payment of the registration fee and recording fee hereinafter provided, issue to such person a certificate in the form prescribed and upon blanks furnished by the commissioners on fisheries and game: *provided, however,* that an application for a license for a minor under sixteen years of age must be accompanied by a written request from his parent or guardian, which certificate shall bear the name, age, occupation, place of residence, signature and an identifying description of the person thus registered, and shall authorize the person so registered to hunt game birds and game quadrupeds during the period when the same, respectively, may lawfully be killed, and at no other time, and only subject to the restrictions and conditions as provided by law. Said certificates shall be valid until January first next following the date of issue and no longer, shall not be transferable, and shall be carried on the person when hunting and produced for examination upon demand of any commissioner of fisheries and game, or their deputies or upon demand of any sheriff, constable, police officer, or other officer authorized to arrest for crime, or of the owner or lessee in actual occupancy of any land upon which such registered person may be found. Failure or refusal to produce said certificate upon such demand shall be prima facie evidence of a violation of this act.

Certificates,
form,
term, etc.

Proviso.

SECTION 3. Section five of said chapter four hundred and eighty-four is hereby amended by inserting after the word "void", in the seventh line, the words: — and the said certificate shall be surrendered by him to the court, — so as to read as follows: — *Section 5.* Any person who shall violate any provision of this act shall be fined not less than ten nor more than fifty dollars, or be imprisoned for not more than thirty days, or shall be punished by both such fine and imprisonment; and the certificate of any person who shall be convicted of a violation of any law relating to birds or quadrupeds, or of any provision of this act, shall be void, and the said certificate shall be surrendered by him to the court, and such person shall not receive a certificate during the period of one year from the date of such conviction.

1908, 484,
§ 5, amended.

Penalty.

Approved April 5, 1911.

Chap.236 AN ACT RELATIVE TO RUFFED GROUSE AND WOODCOCK.*Be it enacted, etc., as follows:*Close season
for ruffed
grouse, etc.

SECTION 1. It shall be unlawful, excepting only between the fifteenth day of October and the fifteenth day of November of each year, both dates inclusive, to hunt, pursue, take or kill a ruffed grouse, commonly called partridge, or a woodcock, or to have the same, or any part thereof, in possession, whenever or wherever the same may have been taken or killed; and it shall be unlawful at any time to buy, sell, offer for sale, or otherwise dispose of a ruffed grouse or woodcock or any part thereof, whenever or wherever the same may have been taken or killed; and it shall be unlawful at any time to take or send or cause to be taken or transported beyond the limits of the commonwealth the above named birds, or to have in possession any such bird with intent to take or cause the same to be taken out of the commonwealth.

Repeal.

SECTION 2. So much of chapter ninety-two of the Revised Laws as is inconsistent herewith, and chapter four hundred and forty-one of the acts of the year nineteen hundred and eight, chapter two hundred and seventy-two of the acts of the year nineteen hundred and nine, and chapter three hundred and sixty-five of the acts of the year nineteen hundred and ten, are hereby repealed.

Penalty.

SECTION 3. Whoever violates the provisions of this act shall be punished by a fine of twenty dollars for each bird or part thereof in respect to which the violation occurs; and possession of a ruffed grouse or woodcock, except during the open season, as provided above, shall be prima facie evidence that the person having possession has violated the provisions of this act.

*Approved April 5, 1911.***Chap.237** AN ACT TO PROVIDE FOR THE TRAVELLING EXPENSES OF AUDITORS APPOINTED BY THE COURTS.*Be it enacted, etc., as follows:*R. L. 165,
§ 60,
amended.

SECTION 1. Section sixty of chapter one hundred and sixty-five of the Revised Laws is hereby amended by inserting after the word "compensation", in the first line, the words: — and allow actual expenses of travel in attending hearings, if said expenses be approved by the court as reasonable, — by striking out the word "it", in the second

line, and inserting in place thereof the words: — the same, — by inserting after the word “awarded”, in the fifth line, the words: — and expenses of travel allowed, — and by adding at the end thereof the words: — No allowance for expenses of travel shall be allowed by the court, unless the auditor shall file a true and correct account of such expenses, signed and sworn to by him, — so as to read as follows: —

Section 60. The court shall award reasonable compensation and allow actual expenses of travel in attending hearings, if said expenses be approved by the court as reasonable, to auditors, and the same shall be paid by the county if they are appointed by the supreme judicial court, the superior court or the probate court. If they are appointed by any other court, the compensation awarded and expenses of travel allowed may be paid by either party and taxed in his bill of costs if he prevails; but the plaintiff shall be liable for such payment, and the court may make all orders and decrees, and issue process to enforce the same. No allowance for expenses of travel shall be allowed by the court, unless the auditor shall file a true and correct account of such expenses, signed and sworn to by him.

Compensation of certain auditors, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1911.

AN ACT TO AUTHORIZE THE EAST TEMPLETON VILLAGE IMPROVEMENT SOCIETY TO ACQUIRE AND MAINTAIN A MEMORIAL HALL.

Chap. 238

Be it enacted, etc., as follows:

SECTION 1. The East Templeton Village Improvement Society, incorporated by chapter sixty-nine of the acts of the year nineteen hundred and one, is hereby authorized to receive, hold and maintain the memorial hall building, and the land upon which it is erected, in the town of Templeton, belonging to Erickson Post, 109, Benefit Association, a corporation duly organized under the laws of the commonwealth. The said association is hereby authorized to convey to the said improvement society by a suitable deed executed by the president and treasurer of the association, the said land, with the building thereon, and all the appurtenances thereof. The said property shall be conveyed to the said society upon such trusts, terms and conditions as may be agreed upon by the parties, and the property shall be held and administered by the society upon the trusts,

The East Templeton Village Improvement Society may maintain a memorial hall, etc.

terms and conditions so stated in the deed of conveyance. The said building, or any other building that may be erected in its stead, shall be maintained by the said society as a memorial to the soldiers of the civil war who enlisted from the said town, and the said society is authorized to take and administer any gifts or bequests for the embellishment, extension or improvement of the memorial hall in the said building or in any other building hereafter erected in its stead. All of the aforesaid property shall be exempt from taxation so long as the same is used for the purposes herein set forth.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1911.

Chap.239 AN ACT TO EXTEND THE TIME WITHIN WHICH THE METROPOLITAN PARK COMMISSION MAY REPORT RELATIVE TO THE ADVISABILITY OF IMPROVING THE SANITARY CONDITION OF THE CHARLES RIVER RESERVATION.

Be it enacted, etc., as follows:

Sanitary condition of the Charles River reservation.

SECTION 1. The time within which the metropolitan park commission is required by chapter one hundred and one of the resolves of the year nineteen hundred and ten, to report upon the advisability of improving the sanitary condition of the Charles River reservation, is hereby extended to the second Saturday of January, nineteen hundred and twelve.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1911.

Chap.240 AN ACT TO AUTHORIZE THE CITY OF SOMERVILLE AND THE TOWN OF ARLINGTON TO CONSTRUCT A BRIDGE OVER ALEWIFE BROOK.

Be it enacted, etc., as follows:

Construction of a bridge over Alewife brook, etc.

SECTION 1. The city of Somerville and the town of Arlington are hereby authorized, within five years after the passage of this act, to lay out, construct and maintain as a public way a bridge not exceeding forty feet in width, and approaches thereto, over Alewife brook and lands under the control of the metropolitan park commission adjacent thereto at or near Henderson street in Arlington and Woodstock street, so-called, in Somerville, subject to the approval

of the metropolitan park commission as to the location, grade and design of the bridge and its approaches.

SECTION 2. For the purpose of carrying out the provisions of this act, said city and said town may take lands and rights in lands within their respective limits in the manner provided by law for the laying out of public ways in said city and in said town, respectively, and may take an easement in lands adjoining the location of said approaches consisting of a right to have the land of the location protected by having the surface of such adjoining lands slope from the boundary of said location.

Land and rights in land may be taken.

SECTION 3. Any person entitled by law to damages for the taking of or injury to property under the authority of this act, may have the same determined by a jury in the superior court for the county of Middlesex on petition therefor, filed within one year after the property is entered upon and the work is actually begun thereon, in the same manner, so far as may be practicable, as that in which damages are determined for the taking of land for highways in said city and in said town respectively.

Damages.

SECTION 4. Said city and said town may, at any time within one year after the completion of the work authorized by this act, assess upon any lands within their respective limits, the amount of betterments accruing thereto by reason of the laying out and construction of said bridge and approaches; and the provisions of law relating to the assessment of betterments in the laying out of public ways in said city and said town, respectively, shall, so far as the same are applicable, apply to such assessments.

Betterments.

SECTION 5. For the purpose of paying in part the cost to said city of laying out and constructing said bridge and approaches, and all expenses incidental thereto, the city may from time to time issue bonds to an amount not exceeding eight thousand dollars, and designated on the face thereof, Alewife Brook Bridge Loan. Such bonds shall bear interest, payable semi-annually, at a rate not exceeding four per cent, and shall be payable at such time or times, not more than twenty years from their respective dates, as shall be determined by the city by vote of its council, and as shall be expressed upon the face of the bonds.

Alewife Brook Bridge Loan.

SECTION 6. For the purpose of paying in part the cost to said town of laying out and constructing said bridge and approaches and all expenses incidental thereto, said town may from time to time issue bonds to an amount not exceed-

Same subject.

ing eight thousand dollars, and designated on the face thereof, Alewife Brook Bridge Loan. Such bonds shall bear interest, payable semi-annually, at a rate not exceeding four per cent, and shall be payable at such time or times, not more than twenty years from their respective dates, as shall be determined by the town by vote of its inhabitants in town meeting assembled, and as shall be expressed upon the face of the bonds.

Payment of
loan.

SECTION 7. Said city and said town at the time of authorizing such loans shall provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act, and when such provision has been made, the amounts required therefor shall, without further vote, annually be assessed by the assessors of said city and said town in the same manner in which other taxes are assessed, until the said debt is extinguished.

SECTION 8. This act shall take effect upon its passage.

Approved April 5, 1911.

Chap.241 AN ACT TO DEFINE THE WORD "MINOR" AS APPLIED TO COMPULSORY ATTENDANCE AT EVENING SCHOOLS.

Be it enacted, etc., as follows:

1909, 514,
§ 17,
amended.

The third paragraph of section seventeen of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine is hereby amended by adding at the end thereof the following: — except that in regard to the compulsory attendance of illiterate minors at evening schools, the word "Minor" shall mean a person under the age of twenty-one years, — so as to read as follows: — "Child" or "Minor" shall mean a person under eighteen years of age, except that in regard to the compulsory attendance of illiterate minors at evening schools, the word "Minor" shall mean a person under the age of twenty-one years.

Definition of
"Child" or
"Minor."

Approved April 6, 1911.

Chap.242 AN ACT RELATIVE TO ABATEMENT OF TAXES FOR THE SUPPRESSION OF MOTHS.

Be it enacted, etc., as follows:

Abatement
of taxes for
the suppression
of moths.

SECTION 1. A person aggrieved by the taxes assessed upon him for the suppression of gypsy and brown tail moths pursuant to the provisions of sections six and seven of chap-

ter three hundred and eighty-one of the acts of the year nineteen hundred and five, as amended by chapter two hundred and sixty-eight of the acts of the year nineteen hundred and six, by chapter five hundred and twenty-one of the acts of the year nineteen hundred and seven, and by chapter five hundred and ninety-one of the acts of the year nineteen hundred and eight, may, within six months after the date of the first tax bill issued on account of the taxes complained of, apply to the assessors for the abatement thereof; and if they find that he is taxed for more than his legal proportion, or for an amount in excess of what should have been assessed pursuant to the statute under which the tax was laid, they shall make a reasonable abatement.

SECTION 2. The assessors shall not abate a tax under the provisions of section one except upon the written recommendation of the board or officer who certified the assessment in question to the assessors or provided them with the information as to the work performed, upon which such tax was assessed, unless the error or excess complained of originated in the work of the assessors who laid the tax.

Duties of assessors.

SECTION 3. The assessors shall keep a record of all taxes abated under the provisions of this act and shall preserve for three years all written recommendations received pursuant to section two. They shall furnish the collector of taxes with a certificate of each abatement hereunder, which shall relieve him from the collection of the sum abated.

Record to be kept of taxes abated.

SECTION 4. This act shall take effect upon its passage.

Approved April 6, 1911.

AN ACT RELATIVE TO VOTING LISTS IN THE CITY OF CAMBRIDGE. *Chap. 243*

Be it enacted, etc., as follows:

Section sixty of chapter five hundred and sixty of the acts of the year nineteen hundred and seven, as amended by section two of chapter four hundred and forty of the acts of the year nineteen hundred and nine, is hereby further amended by inserting after the word "Boston", in the sixteenth line, the word: — Cambridge, — so as to read as follows: — *Section 60.* Registrars or election commissioners shall, from the names entered in the annual register of voters, prepare voting lists for use at the several elections to be held therein. In such voting lists, they shall place the names of all voters entered on the annual register, and no others, and

1907, 560, § 60, etc., amended.

Voting lists, contents, etc.

opposite to the name of each, his residence on the preceding first day of April or at the time of his becoming an inhabitant of such place after said day, and in Boston the age of each male voter therein. They shall enter the names of women voters in separate columns or lists. In cities, they shall prepare such voting lists by wards, and if a ward or a town is divided into voting precincts, they shall prepare the same by precincts, in alphabetical order, or by streets, except that in Boston, the voting lists shall be prepared by streets. In all wards within any Suffolk senatorial district, except in Boston, Cambridge and Chelsea, the registrars shall, annually after the closing of registration and before the annual state election, make, by wards or precincts, as the case may be, street lists of voters to be used as the voting list at elections. Names shall be added thereto or taken therefrom as persons are found qualified or not qualified to vote. The said lists shall be in the following form:—

_____Street.					
NAME OF VOTER.	Residence, Number or Other Designation, April 1, of the Year of Election.	Length of Residence in City.	PERSONAL DESCRIPTION.		
			Age.	Height.	Weight.

Approved April 6, 1911.

Chap.244 AN ACT RELATIVE TO FIRES IN THE OPEN AIR.

Be it enacted, etc., as follows:

1908, 209,
§ 1, amended.

Open air
fires pro-
hibited, etc.

Provisos.

SECTION 1. Chapter two hundred and nine of the acts of the year nineteen hundred and eight is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* It shall be unlawful within any city, or within any town which accepts the provisions of this act, for any person to set a fire in the open air between the first day of March and the first day of December except by the written permission of the forest warden, or the chief of the fire department or, in cities that have such an official, the fire commissioner: *provided*, that debris from fields, gardens and orchards, or leaves and rubbish from yards may be burned on ploughed fields by the owners thereof, their agents or lessees; and *provided, further*, that persons above

eighteen years of age may maintain a fire for a reasonable purpose upon sandy or barren land, if the fire is enclosed within rocks, metal or other non-inflammable material. In every case such fire shall be at least two hundred feet distant from any forest or sprout lands, and at least fifty feet distant from any building, and shall be properly attended until it is extinguished. The forest warden shall cause public notice to be given of the provisions of this section, and shall enforce the same. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than one month, or by both such fine and imprisonment.

SECTION 2. Said chapter two hundred and nine is hereby further amended by striking out section four and inserting in place thereof the following: — *Section 4.* The state forester and forest warden, or any duly authorized assistant in the employ of the state forester, or any duly appointed deputy forest warden, may arrest without a warrant any person found in the act of setting or maintaining a fire in violation of the provisions of this act.

1908, 209,
§ 4, amended.

Arrest of
persons found
setting fires.

SECTION 3. Said chapter is hereby further amended by striking out section five and inserting in place thereof the following new section: — *Section 5.* The selectmen of every town may submit this act to the voters for their acceptance at any annual or special town meeting. The vote shall be taken by separate ballot, and shall be "Yes" or "No" in answer to the following question printed upon the ballot: "Shall an act passed by the general court in the year nineteen hundred and eight, entitled 'An Act to provide for the protection of forest or sprout lands from fire', be accepted by this town?" A majority vote of the legal voters present and voting at such meeting shall be required for the acceptance of this act; and upon such acceptance the provisions of section twenty-four of chapter thirty-two of the Revised Laws shall cease to apply to any town which has previously accepted that section.

1908, 209,
§ 5, amended.

Act to be
submitted to
voters.

SECTION 4. Section eleven of chapter two hundred and eleven of the Revised Laws is hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved April 6, 1911.

*Chap.*245 AN ACT TO ESTABLISH THE EAST FOXBOROUGH WATER SUPPLY DISTRICT AND TO PROVIDE FOR SUPPLYING SAID DISTRICT WITH WATER.

Be it enacted, etc., as follows:

East Fox-
borough
Water Sup-
ply District
established.

SECTION 1. The inhabitants of the easterly part of the town of Foxborough, liable to taxation in that town and residing within the territory enclosed by the following boundary lines, to wit: — Beginning at the stone monument at the southeasterly corner of the town of Foxborough, said monument marking the corner of the towns of Foxborough, Mansfield and Sharon; thence north twenty-seven degrees fifty-seven minutes west, along the line between Foxborough and Sharon, ten thousand three hundred and fifty-nine feet to a corner on said line; thence south forty degrees twenty-nine minutes west, by said Sharon line, four thousand and nine feet to a corner on said line; thence north thirty-nine degrees thirteen minutes west, by said Sharon line, eight thousand four hundred and five feet to the stone monument standing on said line and on the easterly side of Mechanic street; thence south four degrees forty-six minutes west, in the town of Foxborough, ten thousand one hundred and fifty-five feet to the point where the centre lines of Chestnut and Cocasset streets intersect; thence south thirty-one degrees twenty-one minutes east, in the town of Foxborough, eight thousand eight hundred and six feet to the stone monument standing on the line between the towns of Foxborough and Mansfield and on the easterly side of Summer street; thence north sixty-two degrees twenty-three minutes east, along the line between the towns of Foxborough and Mansfield, ten thousand eight hundred and forty-two feet to the point of beginning, — shall constitute a water supply district, and are hereby made a body corporate by the name of the East Foxborough Water Supply District, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants, and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and to take, or acquire by lease, purchase or otherwise, and to hold property, lands, rights of way and easements for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of the district.

SECTION 2. Said water supply district, for the purposes aforesaid, may take, or acquire by purchase or otherwise, and hold the waters of any pond or stream or of any ground sources of supply by means of driven, artesian or other wells within the limits of the district, and the water rights connected with any such water sources; or may contract with the Foxborough Water Supply District for whatever water may be required in pursuance of the purposes herein named, on such terms and conditions as may be agreed upon by the said districts, and the Foxborough Water Supply District may furnish such water; but nothing herein shall be construed to compel the last named district so to do. The said East Foxborough Water Supply District may also take, or acquire by purchase or otherwise, and hold, all lands, rights of way and easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district: *provided, however*, that no source of water supply and no lands necessary for preserving the quality of the water, shall be taken or used without first obtaining the advice and approval of the state board of health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board. Said district may construct on the lands taken or acquired under the provisions of this act, proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways in the East Foxborough Water Supply District, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, said district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; and all things done upon any such way shall be subject to the direction of the selectmen of the town of Foxborough.

Taking and holding of waters, etc.

Proviso.

Taking of
land, etc., to
be recorded.

SECTION 3. Said water supply district shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements under the provisions of this act, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county or district in which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for. The title to all land taken, purchased or acquired in any way under the provisions of this act shall vest in said East Foxborough Water Supply District, and the land so taken or acquired may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of said district.

Damages.

SECTION 4. Said district shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by anything done by said district under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with the district as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within two years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of said two years; and no application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by the district under authority of this act. Said district may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages caused by such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, and in that event said district shall be liable further only for the additional damage caused by such additional taking.

East Fox-
borough
Water Sup-
ply District
Water Loan.

SECTION 5. Said district, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding twenty-five thousand

dollars. Such bonds, notes or scrip shall bear on their face the words, East Foxborough Water Supply District Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding five per cent per annum; and shall be signed by the treasurer of the district and countersigned by the water commissioners hereinafter provided for. Said district may sell such securities at public or private sale, upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold for less than their par value. The town of Foxborough may, at its annual town meeting or at a legal meeting called for the purpose, guarantee the payment of such bonds, notes or scrip.

Proviso.

SECTION 6. Said district shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said district, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be raised annually by taxation in the manner hereinafter provided.

Payment of loan.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of the town of Foxborough, who shall proceed within thirty days thereafter to assess the same in the same manner in which town taxes are required by law to be assessed: *provided, however*, that no estate shall be subject to such tax if, in the judgment of the board of water commissioners hereinafter provided for, such estate is so situated that it can receive no aid for the extinguishment of fire from the said system of water supply, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, in any ordinary or reasonable manner, could not be supplied with water from the said system; but all other estates in the district shall be deemed to be benefited and shall be subject to the tax. A certified list of the estates exempt from taxation under the provisions of this section shall

Copy of tax assessed to be sent to the assessors.

Proviso.

annually be sent by the water commissioners to the assessors, at the same time at which the clerk shall send a certified copy of the vote as aforesaid. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect overdue interest on taxes in the manner in which interest is authorized to be collected on town taxes; *provided, further*, that said district at the time of voting to raise the tax shall so determine and shall also fix a time for payment thereof.

Proviso.

First meeting.

SECTION 8. The first meeting of said district shall be called on petition of ten or more legal voters therein, by a warrant from the selectmen of the town of Foxborough, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of said warrant in two or more public places in said district seven days at least before the time of the meeting. The said justice of the peace or one of the selectmen shall preside at the meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. After the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority vote of the voters present and voting thereon it shall take effect, and the meeting may then proceed to act on the other articles contained in the warrant.

Water commissioners,
election,
terms, etc.

SECTION 9. The East Foxborough Water Supply District shall, after the acceptance of this act as aforesaid, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as the district may impose by its vote. Said commissioners shall appoint a treasurer of said district, who may be one of their number, who shall give bonds to the district to such an amount and with such sureties as may

be approved by the commissioners. A majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said water supply district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of the water works except by a written order of said commissioners or a majority of them.

SECTION 10. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds, notes or scrip issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. No money shall be expended in new construction by the water commissioners except from the net surplus aforesaid, unless the district appropriates and provides money therefor. Said commissioners shall annually, and as often as the district may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures. Water rates.

SECTION 11. Said district may adopt by-laws prescribing by whom and how meetings may be called, notified and conducted; and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section eight. Said district may also choose such other officers not provided for in this act as it may deem necessary or proper. By-laws.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, stand-pipe, aqueduct, pipe or other property owned or used by said district for the purposes of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment in jail for a term not exceeding six months. Penalty for corrupting water, etc.

Time of
taking effect.

SECTION 13. This act shall take effect upon its acceptance by a majority vote of the voters of said district present and voting thereon at a district meeting called in accordance with the provisions of section eight, within three years after the passage of this act; but it shall become void unless the said district shall begin to distribute water to consumers within two years after the date of the acceptance of this act as aforesaid.

Approved April 6, 1911.

Chap.246 AN ACT TO MAKE UNIFORM THE LAW RELATIVE TO WILLS
EXECUTED WITHOUT THE COMMONWEALTH.

Be it enacted, etc., as follows:

To make uni-
form the law
relative to
certain wills.

SECTION 1. A last will and testament executed without this commonwealth in the mode prescribed by the law, either of the place where the will is executed or of the testator's domicile, shall be deemed to be legally executed, and shall be of the same force and effect as if executed in the mode prescribed by the laws of this commonwealth: *provided*, that such last will and testament is in writing and subscribed by the testator.

Proviso.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1911.

Chap.247 AN ACT TO AUTHORIZE INSTRUCTION IN THE PUBLIC SCHOOLS
IN THE APPLICATION OF SURGICAL REMEDIES AND FIRST
AID FOR THE INJURED.

Be it enacted, etc., as follows:

First aid for
injured, etc.

Instruction may be given in the public schools in the application of surgical remedies in cases of emergency and the principles of first aid for the injured; and school committees may expend for this purpose such sums from the appropriation for salaries of teachers as they may deem necessary.

Approved April 6, 1911.

Chap.248 AN ACT TO AUTHORIZE THE TOWN OF HANOVER TO SUPPLY
ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

Water supply
for the town
of Hanover.

SECTION 1. The town of Hanover may supply itself and its inhabitants with water for the extinguishment of fires

and for domestic, manufacturing and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid therefor.

SECTION 2. Said town, for the purposes aforesaid, may make contracts with any adjoining town, or may take, or acquire by purchase or otherwise, and hold the waters of any pond or stream or of any ground sources of supply by means of driven, artesian or other wells within the limits of the town, and the water rights connected with any such water sources, and may also take, or acquire by purchase or otherwise, and hold all lands, rights of way and easements necessary for collecting, storing, purifying and preserving the water, and for conveying the same to any part of said town: *provided, however*, that no source of water supply and no lands necessary for preserving the quality of such water shall be taken without first obtaining the advice and approval of the state board of health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board. Said town may construct on the lands acquired under the provisions of this act, proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under and over any land, water courses, railroads, railways and public or other ways, and along such ways in the town of Hanover, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this act, said town may dig up or raise and embank any such lands, highways or other ways, in such manner as to cause the least possible hindrance to public travel on such ways. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the board of railroad commissioners.

Contracts
may be made
with other
towns, etc.

Proviso.

Taking of
land, etc., to
be recorded.

SECTION 3. Said town shall within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, file and cause to be recorded in the registry of deeds for the northern district of the county of Plymouth a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioner hereinafter provided for. The title to all lands acquired under the provisions of this act shall vest in the town of Hanover, and the land so acquired shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of said town.

Damages.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said town under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with the town as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within the period of two years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of the said two years, and no application for assessment of damages shall be made for the taking of any water or water right, or for any injury thereto, until the water is actually withdrawn or diverted by the town under authority of this act. Said town may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages caused by such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, and in that event the town shall be liable further only for the additional damages caused by such additional taking.

Town of
Hanover
Water Loan,
Act of 1911.

SECTION 5. Said town, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding one hundred thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of Hanover Water Loan, Act of 1911, shall be payable at the expiration of periods not

exceeding thirty years from the date of issue; shall bear interest, payable semi-annually, at a rate not exceeding four and one half per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The town may sell such securities at public or private sale, upon such terms and conditions as it may deem proper, but they shall not be sold for less than their par value.

SECTION 6. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the assessors of the town annually thereafter, in the same manner in which other taxes are assessed, until the debt incurred by said loan is extinguished.

Payment of
loan.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by said town under authority of this act, shall forfeit and pay to the town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon being convicted of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in jail for a term not exceeding one year.

Penalty for
pollution,
etc., of water.

SECTION 8. Said town shall, after its acceptance of this act, at the same meeting at which the act is accepted or at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act and not otherwise specifically provided for shall be vested in said

Water com-
missioners,
election,
term, etc.

Quorum.

water commissioners, who shall be subject however to such instructions, rules and regulations as the town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by the town at any legal town meeting called for the purpose. Any such vacancy may be filled temporarily by a majority vote of the selectmen, and the person so appointed shall hold office until the town fills the vacancy in the manner specified herein.

Water rates,
etc.

SECTION 9. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the manner and time of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds, notes or scrip issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it shall be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. No money shall be expended in new construction by the water commissioners except from the net surplus aforesaid, unless the town appropriates and provides money therefor. Said commissioners shall annually, and as often as the town may require, render a report upon the condition of the works under their charge and an account of their doings, including an account of receipts and expenditures.

New con-
struction, etc.Time of
taking effect.

SECTION 10. This act shall take effect upon its acceptance by a majority of the legal voters of the town of Hanover present and voting thereon at a legal meeting called for the purpose within three years after its passage; but the number of the meetings so called in any one year shall not exceed three; and for the purpose of being submitted to the voters as aforesaid this act shall take effect upon its passage.

Approved April 6, 1911.

Chap.249 AN ACT RELATIVE TO THE PAYMENT OF WAGES BY CERTAIN MANUFACTURING CORPORATIONS AND MANUFACTURERS.

Be it enacted, etc., as follows:

Payment of
wages by
manufacturing

SECTION 1. Manufacturing corporations and contractors, persons or partnerships engaged in any manufacturing busi-

ness wherein one hundred employees or more are employed shall, on the day chosen as pay day, pay such of their employees as are on that day working in the manufacturing establishment, before the close of the regular working hours.

corpora-
tions, etc.

SECTION 2. Whoever violates the provisions of this act shall be punished by a fine of not more than fifty dollars.

Penalty.

Approved April 6, 1911.

AN ACT RELATIVE TO THE DISPOSITION OF FEES AND FORFEITURES AND THE PAYMENT OF COSTS IN CERTAIN APPEALED CASES.

Chap. 250

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter two hundred and twenty-one of the Revised Laws is hereby amended by inserting after the word "Boston", in the fourth line, the following: — except that in cases appealed from police and district courts or trial justices, in counties other than the county of Suffolk, the fine or forfeiture shall be paid into the treasury of the county in which the fee or forfeiture was imposed, and the treasurer of the said county shall pay to the city or town in which the offence was committed, the costs as certified by the clerk of the inferior court from which the case was appealed, — so as to read as follows: —

R. L. 221,
§ 2, amended.

Section 2. A fine or forfeiture, which is imposed by the superior court shall be paid over to the treasurer of the county where the proceeding in which the fine or forfeiture was imposed was tried, or in the county of Suffolk, to the collector of the city of Boston, except that in cases appealed from police and district courts or trial justices, in counties other than the county of Suffolk, the fine or forfeiture shall be paid into the treasury of the county in which the fee or forfeiture was imposed, and the treasurer of the said county shall pay to the city or town in which the offence was committed, the costs as certified by the clerk of the inferior court from which the case was appealed. A fine or forfeiture which is imposed by a police, district or municipal court or by a trial justice shall, except as otherwise provided, be paid to the city or town in which the crime or offence was committed. If the whole or any part of a fine is by law payable to a complainant or informant or to a person or corporation as beneficiary, the court or magistrate may apportion the fine or forfeiture between such complainant, informant or other beneficiary and the county, city or town, respectively.

Payment of
certain fines
and for-
feitures.

Certain provisions of law not to apply.

SECTION 2. The provisions of section two of said chapter two hundred and twenty-one of the Revised Laws as amended by this act shall not apply to fees and fines received under the provisions of section thirty of chapter five hundred and thirty-four of the acts of the year nineteen hundred and nine, as amended by chapter five hundred and twenty-five of the acts of the year nineteen hundred and ten.

Approved April 6, 1911.

Chap.251 AN ACT RELATIVE TO THE INCORPORATION OF INSURANCE COMPANIES ON THE MUTUAL PLAN.

Be it enacted, etc., as follows:

Incorporation of insurance companies on the mutual plan.

SECTION 1. Ten or more persons who are residents of this commonwealth may form an insurance company on the mutual plan to insure any person, firm or corporation against loss or damage on account of the bodily injury or death by accident of any person, or against damage caused by automobiles to property of another, for which loss or damage such person, firm or corporation is responsible. The corporation shall be formed in the manner described in, and be subject to, the provisions of sections fifteen to twenty, inclusive, of chapter one hundred and ten of the Revised Laws, except as is otherwise provided herein.

Subject to certain laws.

SECTION 2. A corporation formed as aforesaid shall be subject to all general laws now or hereafter in force applicable to domestic insurance companies, and, except as is otherwise provided herein, to all general laws now or hereafter in force applicable to mutual fire insurance companies.

Issuing of policies, etc.

SECTION 3. No policy shall be issued by a corporation formed as aforesaid, until insurance has been applied for, the premiums for which will amount to not less than one hundred thousand dollars, and no policy shall be issued until a list of the subscribers for such insurance, with such other information as the insurance commissioner may require, shall have been filed in his department, nor until the president and secretary of the company shall have certified under oath that every subscription for insurance in the list so filed is genuine and made with an agreement with every subscriber that he will take the insurance subscribed for by him within thirty days after the granting of a license to the company by the insurance commissioner to issue policies. If the said officers shall take a false oath relative to the said certificate they shall be guilty of per-

jury. No such corporation whose business becomes reduced so that it has on its books less than one hundred thousand dollars of outstanding premiums not reinsured shall make any further insurance until it has secured applications for policies which, together with the risks already on its books not reinsured shall amount to not less than one hundred thousand dollars in premiums, said applications to be subject to the same provisions of this section as apply to the subscriptions for a new insurance company. Upon the filing of such application with the insurance commissioner, he may make such investigation as he deems proper and, if his findings warrant it, grant a license to such company to issue policies. The liability of any policy holder to pay his proportional part of any assessments which may be laid by the company, in accordance with law and his contract, on account of losses and expenses incurred while he was a member, shall continue so long as there are outstanding any obligations incurred while he was such member. The reserve which the company shall maintain for outstanding losses shall be computed as required by the laws relating to the reserves for outstanding losses of liability companies.

SECTION 4. This act shall take effect upon its passage.

Approved April 6, 1911.

AN ACT RELATIVE TO MORTUARIES IN THE COUNTY OF SUFFOLK. Chap. 252

Be it enacted, etc., as follows:

SECTION 1. The county of Suffolk shall provide and maintain in suitable situations in the city of Boston not less than two mortuaries, and the expense of providing and maintaining the same, including the wages or salaries of any attendants, shall be paid in the same way in which other expenses of the county are paid. Mortuaries in the county of Suffolk.

SECTION 2. This act shall not take effect until it has been accepted by the mayor and city council of the city of Boston. Time of taking effect.

Approved April 6, 1911.

AN ACT TO AUTHORIZE THE WARDENS AND VESTRY OF ST. GEORGE'S EPISCOPAL CHURCH OF LEE TO HOLD IN TRUST CERTAIN REAL AND PERSONAL PROPERTY. Chap. 253

Be it enacted, etc., as follows:

SECTION 1. The wardens and vestry of St. George's Episcopal Church of Lee may hold in trust gifts, grants, Wardens and vestry of St. George's

Episcopal
Church in
Lee may
hold certain
property in
trust.

bequests or devises to said church for the support of public worship and for other religious purposes to the amount of one hundred and fifty thousand dollars, and they may receive, hold and manage all such real and personal property, and may sell and convey the same.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1911.

Chap.254 AN ACT TO ESTABLISH THE SITTINGS OF THE SUPERIOR COURT FOR CIVIL AND CRIMINAL BUSINESS FOR THE COUNTY OF HAMPSHIRE.

Be it enacted, etc., as follows:

R. L. 157,
§ 24,
amended.

SECTION 1. The paragraph of section twenty-four of chapter one hundred and fifty-seven of the Revised Laws relative to sittings of the superior court for the county of Hampshire, being lines twenty-seven to thirty, both inclusive, is hereby amended by striking out the words "for civil business", in the twenty-seventh line, and by striking out the words "for criminal business on the second Monday of June and the third Monday of December", in the twenty-ninth and thirtieth lines, — so as to read as follows:— For the county of Hampshire, at Northampton, on the third Monday of February, the first Monday of June and the third Monday of October.

Sittings of
Superior
court for
Hampshire
county
established.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1911.

Chap.255 AN ACT TO CONFIRM THE JURISDICTION OF THE UNITED STATES OVER A TRACT OF LAND IN THE CITY OF LOWELL ACQUIRED FOR A POST OFFICE.

Be it enacted, etc., as follows:

Jurisdiction
of the United
States over
a certain
tract of land
in Lowell.

SECTION 1. The United States may at any time within one year after the passage of this act file in the office of the secretary of the commonwealth a suitable plan of the tract of land in the city of Lowell to which the United States has acquired title in fee, and upon which a post office has been erected, and the filing thereof within said time shall be deemed to be a sufficient compliance with the provisions of section one of chapter forty-three of the acts of the year eighteen hundred and seventy-three, and all acts in amendment thereof and in addition thereto.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1911.

AN ACT TO CHANGE AND ESTABLISH A BOUNDARY LINE BETWEEN THE CITY OF NEW BEDFORD AND THE TOWN OF DARTMOUTH. Chap. 256

Be it enacted, etc., as follows:

SECTION 1. There is hereby set off from the town of Dartmouth and annexed to and made a part of the city of New Bedford a certain tract of land with its inhabitants and all estates therein comprising eighteen acres more or less of upland and marsh thus bounded and described, to wit: — Beginning at the point of intersection of the south line of Cove road in said New Bedford and the east line of contemplated Taylor street so-called in said Dartmouth; thence running in the south line of Cove road, or the existing boundary line between said city and said town, north fifty-eight degrees thirty-seven minutes thirty seconds east, or whatever the course may be, six hundred three and forty-nine one hundredths feet to an angle in said road; thence still in said boundary line north eighty-one degrees three minutes east, or whatever the course may be, two hundred sixty-five feet more or less to Clarks cove, and thence continuing in said existing boundary line into and through the waters of Clarks cove to the existing boundary line of tide waters between said town and said city. Then starting again at the point of beginning and running in the easterly line of said Taylor street south two degrees thirty-six minutes west nine hundred seventy-four and eighty-seven one hundredths feet to the northerly line of a proposed continuation eastwardly of contemplated Rogers street to be extended in its present course and direction in said Dartmouth; thence south eighty-seven degrees eight minutes east in the proposed continuation of the northerly line of said contemplated Rogers street two hundred thirty-two feet to Clarks cove, and thence continuing in the same course into and through the waters of Clarks cove to the existing boundary line of tide waters between the said town and said city as established by the board of harbor and land commissioners; and thence in said boundary line of tide waters northwardly to its intersection with the easterly end of the boundary line first above described.

Boundary line between New Bedford and Dartmouth established.

SECTION 2. Said land so set off shall constitute a part of the sixth ward of said city and the inhabitants thereof shall be treated as inhabitants of said ward unless and until a new division of the wards of said city is made.

Territory set off to be a part of ward six of New Bedford.

Payment of
arrearages
of taxes, etc.

SECTION 3. The inhabitants and the estates within the territory hereby annexed to the city of New Bedford and the owners of said estates shall pay to the town of Dartmouth all arrearages of taxes which have been and shall be legally assessed upon them before this act takes effect, and shall pay also until the next state valuation such proportion of the state and county taxes as it may be legally incumbent upon them to pay, and said taxes may be collected in the same manner as if the territory hereby annexed to said city still remained a part of the town of Dartmouth.

Support of
paupers, etc.

SECTION 4. The city of New Bedford shall be liable for the support of all persons who now stand or hereafter shall stand in need of relief as paupers whose settlement has been gained whether by original acquisition or derivation or in any other manner within the territory hereby annexed to the city of New Bedford.

SECTION 5. This act shall take effect upon its passage.
Approved April 6, 1911.

Chap.257 AN ACT TO INCORPORATE THE NEW ENGLAND BOY SCOUTS,
INCORPORATED.

Be it enacted, etc., as follows:

New England
Boy Scouts,
Incorporated.

SECTION 1. Everett F. McLean, Edwin R. Short, George S. Barton, Charles H. Thompson, Junior, Charles Urling, Ernest W. Gay and J. Van Neice Bandy, their associates and successors, are hereby made a corporation by the name of the New England Boy Scouts, Incorporated, to be located in the city of Boston, for the purpose of the mental, moral and physical training of boys, inculcation of obedience and loyalty to parents, superiors and employers, the protection of girls and women, and fealty to country and flag; with power to create branches throughout the United States to carry out the said purposes. The corporation shall be subject to the provisions of all general laws now or hereafter in force applicable to corporations organized for similar purposes, so far as such laws are not inconsistent herewith.

SECTION 2. This act shall take effect upon its passage.
Approved April 6, 1911.

AN ACT RELATIVE TO CALL MEN IN THE FIRE DEPARTMENT *Chap.258*
OF THE CITY OF FALL RIVER.

Be it enacted, etc., as follows:

SECTION 1. Call men in the fire department of the city of Fall River may be promoted and become permanent members of the department without civil service examination, provided that they shall pass such physical examination as may be prescribed by the board of fire commissioners of the said city. But this act shall apply only to call men now in the said department, and it shall become void five years after its passage.

Call men in the fire department may be made permanent members, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1911.

AN ACT TO ESTABLISH THE SALARY OF THE COURT OFFICER *Chap.259*
IN ATTENDANCE AT THE MUNICIPAL COURT OF THE WEST
ROXBURY DISTRICT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The court officer in attendance at the municipal court of the West Roxbury district of the city of Boston shall receive an annual salary of thirteen hundred dollars, to be paid from the treasury of the county of Suffolk in monthly instalments, in full for all services performed by him, and to be so allowed from the first day of January in the current year.

Salary of court officer of municipal court of West Roxbury established.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1911.

AN ACT TO AUTHORIZE THE COUNTY OF FRANKLIN TO PAY *Chap.260*
AN ANNUITY TO THE WIDOW OF EMMETT F. HASKINS.

Be it enacted, etc., as follows:

The county of Franklin is hereby authorized to pay an annuity of three hundred dollars, beginning with the first day of January, nineteen hundred and eleven, to Matilda C. Haskins of Charlemont, on account of the death of her husband, Emmett F. Haskins of Charlemont, who was killed while in the discharge of his duty as a deputy sheriff for the said county in the service of a warrant for the arrest of a person charged with a capital crime. The said annuity

Matilda C. Haskins.

shall continue for the term of ten years but shall cease in case the said Matilda C. Haskins shall remarry before the expiration of that time. *Approved April 10, 1911.*

Chap.261 AN ACT TO AUTHORIZE CERTAIN CHURCHES TO ADMIT FINANCIAL SUPPORTERS TO ASSOCIATE MEMBERSHIP UNDER CERTAIN RESTRICTIONS.

Be it enacted, etc., as follows:

R. L. 36, § 52,
amended.

SECTION 1. Section fifty-two of chapter thirty-six of the Revised Laws is hereby amended by adding at the end thereof the words: — but any such corporation may, upon such conditions as it may from time to time prescribe, admit any regular financial supporters of the church to associate membership, with a vote upon financial questions only: *provided, however*, that no action of a meeting in which associate members shall have taken part, looking to the reduction of a minister's salary or the alienation of church property, shall be valid until the same has been ratified by a meeting of church members only, or until sixty days shall have elapsed without a written request of ten church members for such a meeting, — so as to read as follows: — *Section 52.* None but members of such church shall be members of such corporation, and only resident members of full age shall vote; but any such corporation may, upon such conditions as it may from time to time prescribe, admit any regular financial supporters of the church to associate membership, with a vote upon financial questions only: *provided, however*, that no action of a meeting in which associate members shall have taken part, looking to the reduction of a minister's salary or the alienation of church property, shall be valid until the same has been ratified by a meeting of church members only, or until sixty days shall have elapsed without a written request of ten church members for such a meeting.

Membership,
etc., of
church.

Proviso.

SECTION 2. This act shall take effect upon its passage.
Approved April 10, 1911.

Chap.262 AN ACT RELATIVE TO THE CONSTRUCTION, ALTERATION, REPAIR, MAINTENANCE AND USE OF BUILDINGS IN THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

1910, 349,
§ 4, amended.

Section four of chapter three hundred and forty-nine of the acts of the year nineteen hundred and ten is hereby

amended by striking out the words “and wiring”, in the second line, and by adding at the end thereof the following: — and the inspection and supervision of wiring and gas piping within any building or structure or relating thereto may also by ordinance be placed under the supervision and control of said department, — so as to read as follows: —

Section 4. The said city may provide by ordinance that the inspection and supervision of plumbing shall be under the supervision and control of the building department; and the inspection and supervision of wiring and gas piping within any building or structure or relating thereto may also by ordinance be placed under the supervision and control of said department.

Inspection,
etc., of
plumbing in
city of
Springfield.

Approved April 10, 1911.

AN ACT RELATIVE TO THE SPECIFICATIONS TO BE FURNISHED
TO WEAVERS IN COTTON FACTORIES.

Chap. 263

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and sixteen of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine is hereby amended by inserting after the word “inch”, in the ninth line, the words: — width of loom, width of cloth woven in the loom, — so as to read as follows: — *Section 116.* The occupier or manager of every textile factory shall post in every room where any employees work by the job, in legible writing or printing, and in sufficient numbers to be easily accessible to such employees, specifications of the character of each kind of work to be done by them, and the rate of compensation. Such specifications in the case of weaving rooms shall state the intended and maximum length of a cut or piece, the count per inch of reed, and the number of picks per inch, width of loom, width of cloth woven in the loom, and the price per cut or piece, or per pound; or, if payment is made per pick or per yard, the price per pick or per yard; and each warp shall bear a designating ticket or mark of identification. In roving or spinning rooms, the number of roving or yarn and the price per hank for each size of machine shall be stated; and each machine shall bear a ticket stating the number of the roving or yarn made upon it. The maximum length of a cut or piece shall not exceed three per cent of its intended length; but if it appears that a variation in excess of the amount hereinbefore set forth has been caused in whole or in part by any weaver in the employ

1909, 514,
§ 116,
amended.

Specifications
and rates of
compensation
to be posted
in textile
factories.

of any person charged with the violation of this act, this shall be deemed a sufficient defence to a prosecution.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1911.

Chap. 264 AN ACT TO PROVIDE FOR THE LICENSING AND REGULATION
OF LYING-IN HOSPITALS IN CITIES AND TOWNS.

Be it enacted, etc., as follows:

R. L. 75,
§ 62, etc.,
amended.

Licensing,
etc., of
lying-in hos-
pitals.

Section sixty-two of chapter seventy-five of the Revised Laws, as amended by chapter five hundred and sixty-nine of the acts of the year nineteen hundred and ten, is hereby further amended by inserting after the word "person", in the second line, the words: — body or association of persons, incorporated or unincorporated, whether for a charitable purpose or otherwise, — so as to read as follows: — *Section 62.* The state board of charity may issue a license, subject to revocation by it, to a person, body or association of persons, incorporated or unincorporated, whether for a charitable purpose or otherwise, whom it deems suitable and responsible to establish or keep for two years within a city or town of this commonwealth, a lying-in hospital, hospital ward or other place for the reception, care and treatment of women in labor, if the local board of health shall first certify to the state board of charity that, from its inspection and examination of such hospital, hospital ward or other place aforesaid, the same is suitable for the said purpose.

Approved April 10, 1911.

Chap. 265 AN ACT TO PROHIBIT THE USE OF SOLITARY CONFINEMENT
ROOMS OR CELLS IN JUVENILE REFORMATORY SCHOOLS.

Be it enacted, etc., as follows:

Solitary con-
finement in
juvenile
reformatory
schools pro-
hibited.

SECTION 1. It shall be unlawful for the officers of any juvenile reformatory school to place an inmate in any cell, room or cage in solitary confinement. Whenever restraint or separation from the other inmates is necessary, confinement shall be permitted only in a place where the inmate is under the constant supervision of an officer of the school.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1911.

AN ACT RELATIVE TO THE MANUFACTURE AND SALE OF TUR- *Chap. 266*
PENTINE.

Be it enacted, etc., as follows:

SECTION 1. No person, firm or corporation shall manu- Manufacture
and sale of
turpentine
regulated.
facture, mix for sale, offer or expose for sale, or have in
possession with intent to sell, or sell under the name of
turpentine, or spirits of turpentine, or under any name or
phrase of which the word turpentine forms a part, or under
any name or device illustrating or suggesting turpentine,
or spirits of turpentine, any article which is not wholly dis-
tilled from rosin, turpentine gum, or scrapings from pine
trees, unmixed and unadulterated with oil, benzine, or any
other substance of any kind whatsoever, unless the package
containing the same shall be stencilled or marked with
letters not less than two inches high and one inch in width,
“Adulterated Spirits of Turpentine”, except that these let-
ters upon packages of one gallon capacity, or less, may
be reduced to one fourth of the said size. Nor shall any
person, firm or corporation sell or deliver such adulterated
spirits of turpentine without informing the purchaser at
the time of sale that the article is not pure spirits of tur-
pentine. Nothing herein contained shall be construed as
prohibiting the manufacture or sale of any such compound
or imitation, provided that the container shall be plainly
marked and the purchaser notified as aforesaid.

SECTION 2. The district police and all local police Enforcement
of act.
authorities in the commonwealth are hereby charged with
the enforcement of this act.

SECTION 3. The provisions of chapter four hundred and Certain pro-
visions of
law to apply.
ninety-five of the acts of the year nineteen hundred and
ten shall apply to the provisions of this act.

SECTION 4. Any person, firm or corporation who violates Penalties.
any of the provisions of this act shall be liable to a penalty
of one hundred dollars for the first offence, and a penalty of
two hundred dollars for the second offence, and a penalty
of five hundred dollars and imprisonment for a period not
exceeding thirty days or both, at the discretion of the court,
for the third offence.

SECTION 5. All acts and parts of acts inconsistent here- Repeal.
with are hereby repealed as regards turpentine.

SECTION 6. This act shall take effect upon its passage.

Approved April 10, 1911.

Chap. 267 AN ACT RELATIVE TO WIRES AND ELECTRIC APPLIANCES IN
THE CITY OF BEVERLY.

Be it enacted, etc., as follows:

Certain
wires, etc., in
the city of
Beverly to
be removed
or placed
under ground.

SECTION 1. The mayor of the city of Beverly may appoint an officer or officers, hereinafter called "the commission", who shall have exclusive authority to cause to be removed from the public ways or places of the city within the district hereinafter prescribed all wires, cables, and conductors in or above said ways or places, and all poles and other structures in the same used for the support of such wires, cables, and conductors, except such wires, cables, conductors, poles and structures as are hereinafter excepted, and to cause all wires, cables, and conductors within said district to be placed and operated underground in accordance with the provisions of this act. It shall be the duty of such commission, and it shall have exclusive authority, to grant all necessary permits for such wires, cables and conductors which are to be placed and operated underground as aforesaid; and it shall be the duty of the superintendent of highways and sewers, and he shall have exclusive authority, to issue proper permits for the opening and occupying of such ways or places as may be necessary to carry out the intent of this act, upon the application of the commission, or of any person or corporation interested.

To apply to
certain
streets, etc.

SECTION 2. Said commission shall in each January after the passage of this act, until the work herein provided for is completed, prescribe and give public notice thereof in at least one daily newspaper in said city by advertisement therein twice a week for two successive weeks, a portion of the following public ways and places in said city, to wit: — Cabot street from the Salem-Beverly bridge to Herrick street, Rantoul street from Cabot street to Cabot street, Railroad avenue from Cabot street to Park street, Broadway from Cabot street to Park street, Bow street from Cabot street to Rantoul street, Federal street from Cabot street to Rantoul street, Elliott street from Cabot street to Rantoul street, Stone street from Cabot street to Lothrop street, Bartlett street from Cabot street to Stone street, Washington street from Cabot street to Lothrop street, Thorndike street from Cabot street to Lothrop street, Abbott street from Cabot street to Lothrop street, Monument square, Hale street from Cabot street to East Corning street, Essex

street from Cabot street to Peabody avenue, Knowlton street from Cabot street to Dane street, Dane street from Cabot street to Lothrop street, Ober street from Hale street to the shore, Neptune street from Ober street to Corning street, Pleasant street from Cabot street to River street, Pond street from Cabot street to Rantoul street, Central street from Cabot street to Lothrop street, Atlantic avenue from Hale street to Lothrop street, Lothrop street from Stone street to Hale street, Lovett street from Bartlett street to Ocean street, West Dane street from Rantoul street to Cabot street, Judson street, Highland avenue entire, Roundy street from Cabot street to Rantoul street, Winter street, — within which portion all wires, cables and conductors, except such as are hereinafter excepted, shall, during that calendar year be removed or placed underground, but the total extent of such portion so prescribed shall not comprise in the first year, beginning in January following the passage of this act, more than one mile of public ways and places, nor in each calendar year thereafter more than two miles, according to linear surface measurement; and said commission shall cause the owners or users of such wires, cables or conductors to remove or place them underground, and also to remove any poles or structures used to support such wires, cables or conductors in the public ways and places, or portions thereof, in any such prescribed portion of such section, except when in the judgment of said commission it is impracticable or inexpedient to remove any such wires, cables, conductors, poles or structures: *provided*, Proviso. *however*, that no one person or corporation shall be required to expend more than thirty-five thousand dollars during the year nineteen hundred and twelve or more than twenty-five thousand dollars in any one of the years nineteen hundred and thirteen to nineteen hundred and twenty, inclusive, under the provisions of this section or any other provisions of this act; it being, nevertheless, the purpose of this act to cause the removal from the above named public ways and places of said city prior to the first day of January, nineteen hundred and twenty-two, of all such wires, cables, conductors, and all poles or structures used for the support of such wires, cables and conductors, not herein expressly excepted, so far as in the judgment of said commission the same is practicable and expedient; and every owner or user of such wires, cables and conductors, poles or structures shall, prior to said first day of January, nine-

teen hundred and twenty-two, remove or place the same underground in accordance with the provisions of this act; and it shall be the duty of the commission to enforce compliance with the provisions of this section. The estimates, contracts and expenditures, of the persons or corporations affected by this act, relative to the doing of the work herein provided for, shall, at all reasonable times, be open to the examination and inspection of the commission.

No person, corporation, etc., to place any poles, etc., in the said streets except temporarily, etc.

SECTION 3. After such portion of said public ways and places shall have been prescribed as aforesaid, no person, firm or corporation shall place any poles or other structures for the support of wires, cables or conductors, except those herein expressly excepted, in any way or place, or portion thereof, thus prescribed, except temporarily, and with the consent of the commission; and if after the expiration of that calendar year there shall remain in such ways or places, or portions thereof, any poles or structures, wires, cables or conductors which under the provisions of this act should have been removed or placed underground, the said commission shall cause the same to be removed forthwith, and the said city may collect the expenses of such removal from the owners or users by an action at law, provided that there was no unreasonable delay in the issuance of the necessary permits by the proper authorities.

Public notice to be given, etc.

SECTION 4. Whenever it shall be determined by the municipal authority authorized to lay out, pave or repave, any of the ways or places named in section two, or portions thereof, during the period in which the purposes of this act are being carried out, public notice thereof shall be given by said commission in the manner provided in section two of this act, before the beginning of said work, and any person or corporation duly authorized by law at the time to lay or erect or maintain wires in said ways and places, shall, if so ordered by said commission, place his or its pipes, conduits, wires, cables and conductors underground through said ways or places, or portions thereof, and remove any poles or structures used therein to support said wires, cables or conductors within such time as shall be specified in said notice; and thereafter no person, firm or corporation shall place any wires, poles or other structures in or above, or, without the express permission of the mayor and aldermen of said city, lay any pipes, conduits, wires, cables or conductors through said ways or public places, or portions thereof, except as especially excepted by this act; but this

provision shall not be construed to prevent any such person, firm or corporation from thereafter, upon receiving a permit in accordance with the ordinances of said city, making necessary repairs or service connections with conduits, pipes, wires, cables or conductors in such ways or places, or drawing wires or cables into the conduits constructed therein.

SECTION 5. Upon application of any person, firm or corporation duly authorized by law to lay, erect or maintain, and maintaining wires in the ways of said city, the commission may grant permission, after due hearing, for the removal of any such wires, cables, conductors, poles or structures within any of the ways or places named in section two and not prescribed in any year, or within ways or places of said city outside those so specified in section two, and for the placing of the same and any other necessary wires, cables and conductors, and any extensions thereof underground as herein provided; and it shall be the duty of the superintendent of highways and sewers, after the granting of said permission, to issue all permits for opening and occupying the ways of said city which may be necessary to carry out the intent of the foregoing provision, upon the application of said commission or of any person or corporation interested. Said commission may also, after public notice and hearing as required by law, grant locations for such additional poles and wires for local distribution from underground wires, cables or conductors as may become reasonably necessary by reason of work done under the provisions of this act, specifying where such poles may be located and the kind of poles to be used.

Permission for the removal of wires, etc., may be granted in certain cases, etc.

SECTION 6. When any person, firm or corporation operating or intending to operate wires, cables or conductors in said section of said city shall desire, or be required, to place the same underground in any of the streets, avenues or highways of said section, and for that purpose to remove the same from above the surface thereof, and shall have been duly authorized so to do, it shall be obligatory upon such person, firm or corporation to file with said commission a map or maps made to scale, showing the streets, avenues or other highways which are desired or required to be used for such purpose, and giving the location, dimensions and courses of the underground conduit or conductor which is to be constructed; and said map or maps so filed shall be approved in writing by the city engineer, before a permit

Maps to be filed in certain cases.

shall be issued by the proper authorities to open such streets, avenues or highways for the purposes of this section.

Commission may abate or remove danger which may result from failure to act by authorities, etc.

SECTION 7. Said commission, in case of the neglect or refusal of any person, firm or corporation to comply with any requirements made by said commission under authority of this act, may proceed in a summary manner to abate or remove any danger which it deems likely to result from the failure to comply with the said requirements. The commission shall also have power in its discretion, either generally or in particular cases, to extend the time prescribed for carrying out any of the work prescribed by this act, but the time for the completion of the work shall not be extended beyond January first, nineteen hundred and twenty-two, without the approval of the mayor and board of aldermen.

Statement to be filed with the commission.

SECTION 8. All persons, firms or corporations owning or operating electrical wires, cables or conductors in said city shall on or before September first in the year nineteen hundred and eleven, file with the said commission a statement of the number and general location of all their electrical conduits, wires, cables and conductors, poles and structures within the streets, ways, and public places named in section two of this act.

Not to apply to certain wires, etc.

SECTION 9. This act shall not apply to railway trolley, guard or span wires, or poles or structures used exclusively for the support thereof, or to posts for the support of lamps exclusively, or to poles used exclusively for local distribution from underground wires, cables or conductors, or to long distance telephone wires; nor shall it revoke any rights already granted to any person, firm or corporation to place or maintain any conduits, pipes, wires or cables or conductors underground, but all such conduits, pipes, wires, cables or conductors laid hereafter in pursuance of any such grant shall be laid subject to the provisions of this act not inconsistent with the terms of said grant. For the purposes of this act no wire shall be deemed a long distance telephone wire which does not extend twenty-five miles at least in a direct line from the central telephone office of said city.

Ordinances.

SECTION 10. The city council of said city may make such ordinances not inconsistent with the provisions of this act as may be necessary or expedient to carry into effect the purpose of this act.

Board of appeal.

SECTION 11. The mayor and aldermen of said city shall constitute a board of appeal, to which petitions in writing

may be presented by any person, firm or corporation aggrieved by any act or decision of said commission done or made in pursuance of this act. Such petition shall set forth the specific grievance or grievances relied upon, and shall be filed with the city clerk within ten days after the act or decision alleged to cause the grievance, and said board, upon giving due public notice to all parties interested, shall give a hearing thereon, and may either approve or revoke or modify such act or decision.

SECTION 12. The supreme judicial court, or any justice thereof, and the superior court and any justice thereof, shall, on petition of said commission, have jurisdiction in equity to enforce the provisions of this act, or any order of the commission issued under authority hereof, and to compel compliance therewith. Enforcement of provisions, etc.

SECTION 13. This act shall take effect upon its passage.
Approved April 10, 1911.

AN ACT RELATIVE TO ATTENDANCE UPON THE PUBLIC SCHOOLS. *Chap. 268*

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter forty-four of the Revised Laws is hereby amended by inserting after the word "resides", in the third line, the words: — if he is with- R. L. 44, § 3, amended.

Section 3. Every child shall have the right to attend the public schools in the city or town in which his parent or guardian has a legal residence or in which the child himself actually resides, if he is without parent or guardian, subject to such reasonable regulations as to the numbers and qualifications of pupils to be admitted to the respective schools and as to other school matters, as the school committee shall from time to time prescribe. No child shall be excluded from a public school of any city or town on account of race, color or religion. Where children may attend school.

SECTION 2. Section four of said chapter forty-four, as amended by chapter three hundred and seventy-five of the acts of the year nineteen hundred and five, is hereby further amended by inserting after the word "child", in the second line, the words: — whose parent or guardian has a legal residence within the commonwealth, — and by inserting after the words "pay for said tuition", in the fifteenth line, the words: — A child whose parent or guardian has no legal residence in the commonwealth may be permitted, in R. L. 44, § 4, etc., amended.

Attendance
at schools in
places other
than resi-
dence of
parents or
guardians
regulated,
etc.

the discretion of the school committee in charge, to attend the schools of any city or town on payment as tuition of an amount not less than the average cost of education per pupil in the school which the said child attends, — so as to read as follows: — *Section 4.* If a child, whose parent or guardian has a legal residence within the commonwealth, resides in a city or town other than that of the legal residence of his parent or guardian, and in the opinion of the school committee of the said city or town such residence is for the purpose of there attending school in preference to the place of the legal residence of his parent or guardian, the said city or town may recover from the parent or guardian for the tuition of said child, while there attending school, subject to appeal to the probate court, an amount equal to the average expense of such school for each pupil during the preceding year, for a period equal to the time during which the child so attends, unless the city or town in which the parent or guardian resides is required by section three of chapter forty-two to pay for said tuition. A child whose parent or guardian has no legal residence in the commonwealth may be permitted, in the discretion of the school committee in charge, to attend the schools of any city or town on payment as tuition of an amount not less than the average cost of education per pupil in the school which the said child attends. For the tuition in the public schools in any city or town of a child between the ages of five and fifteen years who shall be placed elsewhere than in his own home by the state board of charity, or by the trustees of the Lyman and industrial schools, or kept under the control of either of said boards in said city or town, the commonwealth shall pay to said city or town, and for such tuition of any such child so placed by the trustees for children of the city of Boston, or so kept under the control of said trustees, the city of Boston from its appropriation for school purposes, shall pay to said city or town, fifty cents for each week of five days, or major part thereof, of attendance of every such child in the public schools. For the transportation to and from a public school of any child whose tuition is payable by the commonwealth or by the city of Boston under the provisions of this section, the commonwealth or the city of Boston, as the case may be, shall pay to the city or town furnishing such transportation, for each week of five days or major part thereof, an amount equal to the average amount for each child paid by said city or town

per week for the transportation of children to and from school over the route by which such child is conveyed. Settlements of the accounts of the several cities and towns with the commonwealth and with the city of Boston shall be made annually on the first day of April, and the amounts found due shall be paid within three months thereafter. The money received by said cities and towns under the provisions of this section shall be applied to the support of schools. For the tuition in the public schools in any town of less than ten thousand inhabitants of any child between the ages of five and fifteen years not theretofore resident in such town, who is an inmate of an institution containing more than six inmates, said town may recover from said institution the extra school expense incurred, as may be determined jointly by the school committee of said town and the trustees or managers of said institution, or, in case of disagreement between said school committee and said trustees or managers, as may be decreed by the probate court; but no demand shall be made upon said trustees or managers without a vote of the town instructing the school committee to that effect. *Approved April 10, 1911.*

AN ACT RELATIVE TO THE AGE AND SCHOOLING CERTIFICATES OF MINORS. *Chap. 269*

Be it enacted, etc., as follows:

SECTION 1. Section fifty-eight of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, as amended by section three of chapter two hundred and fifty-seven of the acts of the year nineteen hundred and ten, is hereby further amended by inserting after the word "employee", in the ninth line, the words: — The printed form of such age and schooling certificate shall be provided by the chief of the district police, — and by inserting after the word "language", in the twelfth line, the words: — as is required for admission to the fourth grade of the public schools of the city or town in which such minor lives, — so as to read as follows: — *Section 58.* An age and schooling certificate shall be approved only by the superintendent of schools or by a person authorized by him in writing, or, if there is no superintendent of schools, by a person authorized by the school committee; but no member of a school committee or other person authorized as aforesaid shall approve

1909, 514,
§ 58, etc.,
amended.

Approval of
age and
schooling
certificates.

such certificate for any minor then in or about to enter his own employment or the employment of a firm or corporation of which he is a member, officer or employee. The printed form of such age and schooling certificate shall be provided by the chief of the district police. No such certificate shall be approved by any person unless he is satisfied that the minor therein named is able to read at sight and to write legibly simple sentences in the English language, as is required for admission to the fourth grade of the public schools of the city or town in which such minor lives, nor until such person has received a certificate signed by a physician, as provided in chapter five hundred and two of the acts of the year nineteen hundred and six and acts passed in amendment thereof, or by a physician appointed by the school committee, stating that said minor has been examined by him and in his opinion is in sufficiently sound health and physically able to perform the work which the minor intends to do: *provided, however*, that the age and schooling certificate may be approved and issued without a physician's certificate if there shall be on file in connection with the public schools a written record in regard to the child's physical condition made within one year and the person authorized to approve said age and schooling certificate after having examined such record shall certify that in his opinion said minor is in sufficiently sound health and physically able to perform the work which the minor intends to do. The person who approves the certificate may administer the oath provided for therein, but no fee shall be charged therefor.

Proviso.

SECTION 2. This act shall take effect upon its passage.
Approved April 10, 1911.

*Chap.*270 AN ACT TO PROVIDE FOR CLERICAL ASSISTANCE FOR THE
TREASURERS OF THE COUNTIES OF ESSEX AND MIDDLESEX.

Be it enacted, etc., as follows:

SECTION 1. The treasurers of the counties of Essex and Middlesex shall each be allowed a sum not exceeding two thousand four hundred dollars annually, for such clerical assistance as may be approved by the county commissioners of the county concerned.

Clerical
assistance.

SECTION 2. Chapter three hundred and twenty-two of the acts of the year nineteen hundred and five, and so much

Repeal.

of section three of chapter twenty-one of the Revised Laws as is inconsistent herewith, are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the fourth day of April, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

AN ACT TO PROVIDE FOR ESTABLISHING A STATION FOR THE PROPAGATION OF GAME BIRDS AND ANIMALS. Chap.271

Be it enacted, etc., as follows:

SECTION 1. The commissioners on fisheries and game are hereby authorized to acquire land and buildings by gift, lease, purchase, or devise, for one or more stations for the propagation of game birds and animals, to erect necessary buildings, to purchase stock for breeding, and to take such other steps as they may deem expedient for the protection, propagation and distribution of the birds and animals reared at any such station. For this purpose they may expend a sum not exceeding ten thousand dollars, subject to the approval of the governor and council.

Establishment of stations for the propagation of game birds, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1911.

AN ACT RELATIVE TO THE AMOUNT OF TAXES IN THE CITY OF MEDFORD. Chap.272

Be it enacted, etc., as follows:

SECTION 1. The taxes assessed on property in the city of Medford, exclusive of the state tax, county tax and sums required by law to be raised on account of the city debt, shall not during the years nineteen hundred and eleven and nineteen hundred and twelve exceed on every one thousand of the assessors' valuation of the taxable property therein for the preceding year thirteen dollars, the said valuation being first reduced by the amount of all abatements thereon previous to the thirty-first day of December in the year preceding said assessment, subject to all the provisions of section fifty-three of Part I of chapter four hundred and ninety of the acts of the year nineteen hundred and nine except the limit of taxation therein provided, which shall not be applicable to the city of Medford during the years

Taxes assessed in the city of Medford.

nineteen hundred and eleven and nineteen hundred and twelve.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1911.

Chap.273 AN ACT RELATIVE TO THE ORDER OF COMMITMENT OF AN
INSANE PERSON.

Be it enacted, etc., as follows:

Order of
commitment
of an insane
person.

An order of commitment of a person to a hospital or receptacle for the insane, public or private, shall be void if such person shall not be received at the hospital or receptacle to which he has been committed by such order of commitment within thirty days after the date thereof.

Approved April 13, 1911.

Chap.274 AN ACT TO PROVIDE FOR POST MORTEM EXAMINATIONS OF
BODIES OF PERSONS ELECTROCUTED IN CONFORMITY WITH
THE SENTENCE OF A COURT.

Be it enacted, etc., as follows:

Post mortem
examination
of certain
bodies.

SECTION 1. There shall be a post mortem examination by a medical examiner for the county of Suffolk of the body of every person electrocuted in conformity with the sentence of a court.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1911.

Chap.275 AN ACT RELATIVE TO THE AUTHORITY OF THE COURTS TO
ALLOW AMENDMENTS CHANGING ACTIONS AT LAW INTO
SUITS IN EQUITY AND SUITS IN EQUITY INTO ACTIONS AT
LAW.

Be it enacted, etc., as follows:

R. L. 173,
§ 52,
amended.

Section fifty-two of chapter one hundred and seventy-three of the Revised Laws is hereby amended by striking out the word "shall", in the seventh line, and inserting in place thereof the word: — may, — so as to read as follows: — *Section 52.* The supreme judicial court or the superior court may, at any time before final judgment, and upon terms, allow amendments changing an action at law into a suit in equity, or a suit in equity into an action at law, if

Amendments
changing
actions at
law.

it is necessary to enable the plaintiff to sustain the action or suit for the cause for which it was intended to be brought. The court in which the amendment is allowed may retain jurisdiction of the cause as amended.

Approved April 13, 1911.

AN ACT TO CONFIRM THE ELECTION OF TOWN OFFICERS OF THE TOWN OF DUNSTABLE AT THE ANNUAL TOWN MEETING IN THE YEAR NINETEEN HUNDRED AND ELEVEN. *Chap. 276*

Be it enacted, etc., as follows:

SECTION 1. The election of town officers in the town of Dunstable at the annual town meeting on March sixth in the current year shall be valid notwithstanding the fact that the certificates of nomination for town officers in the said town were not filed until three hours after the time fixed by law for filing the same. Certain acts of the town of Dunstable confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1911.

AN ACT TO PROVIDE FOR THE RETIREMENT OF MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF FALL RIVER. *Chap. 277*

Be it enacted, etc., as follows:

SECTION 1. The board of fire commissioners of the city of Fall River, with the approval of the mayor, may retire from active service and place upon a pension roll any permanent member of the fire department of that city, who, by injuries sustained through no fault of his own in the actual performance of his duty, has become permanently disabled, mentally or physically, for useful service in the department, and may retire from active service and place upon a pension roll any permanent member of said department who has performed faithful service in the department for a period of not less than twenty consecutive years, or who has reached the age of sixty years, if in the judgment of said board such member is disabled for useful service in the department: *provided, however,* that no member of the department shall be retired for permanent total disability except upon a certificate of the city physician, which certificate shall be filed with the records of the board. Every person retired under the provisions of this act shall annually receive as a pension a sum equal to one half of the annual compensation received by him at the time of his retirement, Retirement of members of the fire department of the city of Fall River.

Proviso.

such amount to be paid monthly by the city, which shall provide money therefor.

Time of
taking effect.

SECTION 2. This act shall take effect when accepted by the city council of the city of Fall River.

Approved April 13, 1911.

Chap.278 AN ACT RELATIVE TO THE ESTABLISHMENT OF MILK DISTRIBUTING STATIONS IN CITIES AND CERTAIN TOWNS.

Be it enacted, etc., as follows:

Milk dis-
tributing
stations in
cities and cer-
tain towns.

The boards of health of cities, and of towns having ten thousand or more inhabitants are hereby authorized, when they deem it advisable for the public health, to establish in such cities and towns stations for the distribution of milk, either free of charge in cases of necessity, or at such charge and under such conditions, rules and regulations as the board may establish; but this act shall not be construed to permit the said boards of health to engage in a general milk business.

Approved April 13, 1911.

Chap.279 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PENSION CHARLES M. CHAPLIN AND CYRUS A. GEORGE.

Be it enacted, etc., as follows:

The city of
Boston may
pension cer-
tain members
of the fire
department.

SECTION 1. Charles M. Chaplin and Cyrus A. George, employees of the fire alarm division of the fire department of the city of Boston, being incapacitated from performing further work by long and faithful years of service, shall, upon the passage of this act, be eligible to be placed on the pension roll under the provisions of chapter one hundred and seven of the acts of the year eighteen hundred and eighty and acts in amendment thereof or in addition thereto, in the same manner and to the same extent as if they had been members of the fire department.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1911.

Chap.280 AN ACT TO INCORPORATE THE RUSSELLVILLE CEMETERY ASSOCIATION IN THE TOWN OF HADLEY.

Be it enacted, etc., as follows:

Russellville
Cemetery
Association
incorporated.

SECTION 1. James Comins, Charles L. Russell, II. Clement Russell, Austin N. Russell, Adin W. Field, Mary C.

Conant, Cyrus M. Hubbard, Frank D. Hubbard and George P. Smith, their associates and successors, are hereby made a corporation by the name of The Russellville Cemetery Association, for the purpose of managing, caring for, improving and embellishing the burial ground set apart and known as the Russellville cemetery, situated in the north part of the town of Hadley; and said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all laws now or hereafter in force relating to such corporations.

SECTION 2. Said corporation is hereby authorized to obtain possession or control of said cemetery, and it may purchase from time to time, or acquire by gift, bequest or devise, and hold, so much real estate and personal property as may be necessary or appropriate for the maintenance, preservation, care, improvement and enlargement of said cemetery: *provided*, that nothing herein contained shall affect the individual rights of proprietors, or any rights which the town of Hadley may have in the said burial ground.

May obtain control of a certain cemetery.

Proviso.

SECTION 3. Said corporation is authorized to take and hold any grant, gift or bequest of property, in trust, and to take possession of the funds now held by the unincorporated association known as the Russellville Cemetery Association, and to use the same, or the income thereof, for the care, maintenance, protection, improvement or enlargement of its cemetery, or any lot, monument, fence or structure therein, or for planting and cultivating trees, shrubs or plants, or otherwise improving the premises in a manner consistent with the objects of the corporation, and with the terms of any grant, gift or bequest by which the property may be acquired.

May hold property under grants, bequests, etc.

SECTION 4. All persons now or hereafter owning lots or any interest in a lot in the said cemetery, and all persons who are now life members of the said unincorporated association may become members of the corporation by making application to the secretary; and such other persons as are specified by the by-laws may become members of the corporation upon such terms as the by-laws of the corporation may provide. When any person shall cease to be a proprietor, or, not being a proprietor, shall cease to comply with the terms of the by-laws, he shall cease to be a member of the corporation.

Membership.

SECTION 5. Said corporation may by its by-laws provide for such officers as are necessary, and may define their powers

By-laws.

and duties, and may also provide for the care and maintenance of the cemetery, for the sale of lots therein, and for the care of any funds which the corporation may hold, and for any other matter incident to the purposes of the corporation.

SECTION 6. This act shall take effect upon its passage.

Approved April 13, 1911.

Chap.281 AN ACT TO PROHIBIT THE USE OF SUCTION SHUTTLES IN FACTORIES.

Be it enacted, etc., as follows:

Use of suction shuttles prohibited.

SECTION 1. It shall be unlawful for any proprietor of a factory or any officer or agent or other person to require or permit the use of suction shuttles, or any form of shuttle in the use of which any part of the shuttle or any thread is put in the mouth or touched by the lips of the operator. It shall be the duty of the state board of health to enforce the provisions of this act.

Penalty.

SECTION 2. Violations of this act shall be punished by a fine of not less than fifty dollars for each offence.

Time of taking effect.

SECTION 3. This act shall take effect on the first Monday of May in the year nineteen hundred and twelve; but if the proprietor or manager of a factory shall, in good faith, show to the state board of health sufficient reasons for its inability to comply with the provisions hereof at the time when this act is to take effect, the said board may, in its discretion, grant a reasonable extension of time within which the said factory shall comply with the provisions hereof.

Approved April 13, 1911.

Chap.282 AN ACT RELATIVE TO THE INSPECTION OF JAILS, HOUSES OF CORRECTION, PRISONS AND REFORMATORIES.

Be it enacted, etc., as follows:

1910, 405,
§ 1, amended.

Examination of police stations, etc.

SECTION 1. Chapter four hundred and five of the acts of the year nineteen hundred and ten is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* The state inspectors of health, in addition to the duties provided for by chapter five hundred and thirty-seven of the acts of the year nineteen hundred and seven, shall annually make such examination of police station houses, lockups, houses of detention, and except in

the county of Suffolk, jails, houses of correction, prisons and reformatories as in the opinion of the state board of health may be necessary to ascertain the sanitary condition of the said buildings.

SECTION 2. Said chapter four hundred and five is hereby further amended by striking out section two and inserting in place thereof the following: — *Section 2.* The state board of health shall make rules for police station houses, lockups, houses of detention, jails, houses of correction, prisons and reformatories, regarding the care and use of drinking cups and of dishes used for food, the care and use of bedding, and the ventilation of the buildings. Such rules may be general or may be applicable to a single building. A copy of such rules as are made applicable to station houses, houses of detention or lockups, shall be sent by the state board of health to the mayor of every city and to the selectmen of every town to which the rules apply; and a copy of such rules as are made applicable to jails, houses of correction, prisons or reformatories, shall be sent by said board to the proper authorities. It shall be the duty of the mayors of cities and the selectmen of towns to which the rules relating to station houses, houses of detention or lockups so made apply, and the duty of those in charge of jails, houses of correction, prisons and reformatories, to which the rules so made apply, to see that the rules are enforced.

1910, 405,
§ 2, amended.

The state
board of
health to
make rules,
etc.

Approved April 13, 1911.

AN ACT RELATIVE TO THE UNLICENSED CARRYING OF REVOLVERS OR PISTOLS IN CERTAIN CASES. *Chap. 283*

Be it enacted, etc., as follows:

Chapter two hundred and eleven of the Revised Laws is hereby amended by adding thereto the following new section: — *Section 13.* Whoever, when arrested for committing a felony or upon a warrant for an alleged crime, and whoever, when arrested while committing a crime or a breach or disturbance of the public peace, is armed with a revolver or pistol, having no license to carry the same, shall be punished by imprisonment for not less than one year and not more than ten years.

R. L. 211,
amended.

Penalty for
carrying
revolvers or
pistols with-
out a license.

Approved April 13, 1911.

Chap.284 AN ACT RELATIVE TO APPEALS AND REMOVALS TO THE
SUPREME JUDICIAL COURT AND TO EXECUTION ON FINAL
DECREES OF THE SUPREME AND SUPERIOR COURTS.

Be it enacted, etc., as follows:

R. L. 159,
§ 19,
amended.

Appeals,
etc., on final
decrees.

SECTION 1. Section nineteen of chapter one hundred and fifty-nine of the Revised Laws is hereby amended by striking out the word “thirty”, in the third line, and inserting in place thereof the word: — twenty, — so as to read as follows: — *Section 19.* A party who is aggrieved by a final decree of a justice of the supreme judicial court or a final decree of the superior court may, within twenty days after the entry thereof, appeal therefrom. An appeal from a final decree of a justice of the supreme judicial court shall be entered on the docket of that court, and an appeal from a final decree of the superior court shall forthwith be entered in the supreme judicial court. The copies and papers in the cause shall be prepared by the clerk of the court and transmitted to the supreme judicial court and entered on the docket of the full court. When such appeals have been entered as aforesaid, all proceedings under such decree shall be stayed, and the cause shall thereupon be pending before the full court, which shall hear and determine the same, and affirm, reverse or modify the decree appealed from. Upon the reversal of a final decree, the court may remand the cause to a justice of the supreme judicial court or to the superior court, with such directions as are necessary and proper further to proceed therein, or the court may refer it to a master or take such other order relative to future proceedings therein as equity and the just and speedy determination of the case require.

R. L. 159,
§ 30,
amended.

Removal of
suit from su-
perior court.

SECTION 2. Section thirty of said chapter is hereby amended by striking out the word “thirty”, in the second line, and inserting in place thereof the word: — ten, — so as to read as follows: — *Section 30.* If the defendant in a suit in equity in the superior court, or a person in his behalf, within ten days after the day for appearance, makes affidavit of his belief that the matter involved in the suit equals four thousand dollars in value, that his interest alone or with the interest of any other defendant having a joint or common interest with him equals said value and that he has a substantial defence, and of his intention to bring the cause to a hearing, the case, with the papers therein shall, upon his

request and at his expense, be forthwith removed to the supreme judicial court where it shall proceed as if originally commenced therein. Before such removal, the superior court may make such orders for the appointment of receivers, and of injunction or prohibition, or for continuing the same in force, as are necessary for the protection of the rights of the parties until the case shall be heard by the supreme judicial court; subject, however, to be modified or annulled by the order of that court upon motion after the case has been removed.

SECTION 3. Section thirty-four of said chapter is hereby amended by striking out the word "thirty", in the second line, and inserting in place thereof the word: — twenty, — and by adding at the end of said section the words: — *provided, however,* that if the justice by whom or by whose order the final decree was made is of opinion that the appeal from such decree is groundless and intended merely for delay, process for the execution of the decree may be awarded notwithstanding the appeal, — so as to read as follows: —

R. L. 159,
§ 34,
amended.

Section 34. No process for the execution of a final decree of either court shall issue until the expiration of twenty days after the entry thereof, unless all parties against whom such decree is made waive an appeal by a writing filed with the clerk or by causing an entry thereof to be made on the docket: *provided, however,* that if the justice by whom or by whose order the final decree was made is of opinion that the appeal from such decree is groundless and intended merely for delay, process for the execution of the decree may be awarded notwithstanding the appeal.

Execution on
final decree.

Proviso.

SECTION 4. This act shall take effect on the first day of January, nineteen hundred and twelve.

Time of
taking effect.

(The foregoing was laid before the Governor on the sixth day of April, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

AN ACT TO AUTHORIZE THE STOCKING OF GREAT PONDS WITH FOOD FISH. Chap. 285

Be it enacted, etc., as follows:

SECTION 1. The board of commissioners on fisheries and game, upon the petition of the mayor and aldermen of a city or of the selectmen of a town within which a great pond or a part thereof is situated, shall cause the pond to be stocked

Stocking of
great ponds
with food
fish.

Proviso.

Regulations
relative to
fishing, etc.

Repeal.

with such food fish as the board judges to be best suited to the waters thereof: *provided*, that a public hearing upon the matter has previously been given within such city or town by the mayor and aldermen, or by the selectmen, notice of which, at least ten days before the day of the hearing, has been posted in three or more public places and published in a newspaper in such city or town, if there be any, and if not, then in a newspaper published in the county in which the pond is situated. In a town such a hearing need not be given, if the town at an annual or a special meeting has instructed the selectmen to file such a petition. When a great pond is not situated wholly within a city or town, the board of commissioners on fisheries and game shall not proceed under the provisions of this act with respect to that pond, unless a majority of the cities and towns bordering upon that pond have filed petitions as aforesaid. The board shall thereupon prescribe, for a period not exceeding three years, such reasonable regulations relative to fishing in the pond and its tributaries, with such penalties not exceeding twenty dollars for one offence, as they deem to be for the public interest, and shall cause such regulations to be enforced; but the provisions of this act shall not apply to ponds used as sources of public water supply. The commissioners may restock such ponds and may extend such reasonable regulations for periods not exceeding three years each whenever they receive a petition therefor as herein provided. Five hundred dollars shall annually be appropriated by the commonwealth to carry out the provisions of this section.

SECTION 2. Section nineteen of chapter ninety-one of the Revised Laws, as amended by chapter two hundred and seventy-four of the acts of the year nineteen hundred and three, and by chapter three hundred and six of the acts of the year nineteen hundred and seven, is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1911.

Chap. 286 AN ACT TO INCORPORATE THE BARNSTABLE WATER COMPANY.

Be it enacted, etc., as follows:

Barnstable
Water
Company
incorporated.

SECTION 1. Hervey A. Hanscom, Fred A. Houdlette and Henry A. Symonds, their associates and successors, are hereby made a corporation by the name of the Barnstable Water Company, for the purpose of supplying the inhabitants of the town of Barnstable, or any part thereof, with

water for domestic, manufacturing and other purposes, including the extinguishment of fires; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

SECTION 2. Said corporation, for the purpose aforesaid, may lease, take or acquire by purchase or otherwise, and hold and convey the waters, or so much thereof as may be necessary, of any underground water from wells which may be constructed or sunk at any suitable point for such supply within the limits of said town, together with any water rights connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect on the land thus taken or held proper dams, buildings, standpipes, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances, and may do such other things, as may be necessary for the establishment and maintenance of complete and effective water works: *provided, however,* that no source of water supply for domestic purposes or lands necessary for preserving the quality of such water shall be acquired under this act without the consent of the state board of health, and that the location of all dams, reservoirs, wells or other works for collecting or storing water shall be subject to the approval of said board. No source of water supply shall be taken, or wells driven, between the following described lines: — a line extending north and south through a point one half mile easterly from the most easterly end of Shallow pond, across the town of Barnstable from Nantucket sound to Cape Cod bay; and a line extending north and south through a point one half mile westerly from the most westerly end of Wequaquet lake, across the town of Barnstable from Nantucket sound to Cape Cod bay; being approximately a strip of land two and three quarter miles wide and seven and one half miles long, including within its area Wequaquet lake.

May take
certain
waters, etc.

Proviso.

SECTION 3. Said company, for the purpose aforesaid, may construct, lay and maintain aqueducts, conduits, pipes and other works, under or over any land, water courses, canals, dams, railroads, railways and public or other ways, and along any highway or other way in the town of Barnstable, in such a manner as not necessarily to obstruct the same; and for the purpose of constructing, laying, maintaining and re-

May lay con-
duits, pipes,
etc.

pairing such aqueducts, conduits, pipes and other works, and for all purposes of this act, said company may dig up, raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel; but all things done upon any public ways shall be subject to the direction and approval of the selectmen of said town.

Description
of lands, etc.,
taken to be
recorded.

SECTION 4. Said corporation shall, within ninety days after voting to take any lands, rights of way, water rights, water sources or easements as aforesaid, file and cause to be recorded in the registry of deeds for the county of Barnstable, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation. The recording shall operate as a taking of the real estate and rights and easements therein described.

Damages.

SECTION 5. Said corporation shall pay all damages to property sustained by any person, firm or corporation by the taking of any land, right of way, water, water sources, water rights or easement, or by any other thing done by said corporation under the authority of this act. Any person, firm or corporation sustaining damages as aforesaid, who fails to agree with said corporation as to the amount thereof, may have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within three years after the taking of such land or other property or the doing of any other injury under authority of this act; but no such application shall be made after the expiration of the said three years. No application for the assessment of damages shall be made for the taking of any water, water right or water source, or for any injury thereto, until the water is actually withdrawn or diverted under authority of this act. Said corporation may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages caused by such taking shall be based upon such amount or quantity, until the same shall be increased by vote or otherwise, and in such event said corporation shall be further liable only for the additional damages caused by such additional taking.

Distribution
of water, etc.

SECTION 6. Said corporation may distribute water through the town of Barnstable, or any part thereof, may regulate the use of the same and may establish and fix from

time to time the rates for the use of said water and collect the same; and may make such contracts with the said town or with any fire district now or hereafter established therein, or with any individual or corporation, to supply water for the extinguishment of fires or for other purposes, as may be agreed upon.

SECTION 7. Said corporation may, for the purposes set forth in this act, hold real estate not exceeding in value forty thousand dollars, and the capital stock of said corporation shall not exceed two hundred thousand dollars, to be divided into shares of one hundred dollars each. If it be necessary for the purposes of said corporation, an increase of capital stock may be authorized by the commissioner of corporations in the manner provided in sections thirty and thirty-one of chapter one hundred and nine of the Revised Laws, and in any amendment thereof now existing or hereafter made.

Real estate and capital stock.

SECTION 8. Immediately after the payment of the capital stock of said company a certificate of that fact and of the manner in which the same has been paid in, and, at the time of making the certificate, has been invested, signed and sworn to by the president, treasurer, and a majority at least of the directors, and approved by the commissioner of corporations, shall be filed in the office of the secretary of the commonwealth. A conveyance to the corporation of property, real or personal, at a fair valuation, shall be deemed a sufficient paying in of the capital stock to the extent of such value, if a statement is included in the certificate, made, signed and sworn to by its president, treasurer, and a majority of its directors, giving a description of such property and the value at which it has been taken in payment, in such detail as the commissioner of corporations shall require or approve, and endorsed with his certificate that he is satisfied that said valuation is fair and reasonable.

Certificate to be filed with the secretary of the commonwealth.

SECTION 9. Said corporation may issue bonds and may secure the same by a mortgage of its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall be expended only in the extension of the works of the company and in payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

May issue bonds, etc.

SECTION 10. Capital stock and bonds hereinbefore authorized shall be issued only in such amounts as may from time

Issue of capital stock, etc.

to time, upon investigation by the commissioner of corporations be deemed by him to be reasonably requisite for the purpose for which such stocks or bonds are authorized. His decision approving such issue shall specify the respective amounts of stock and bonds authorized to be issued, and the purposes to which the proceeds thereof are to be applied. A certificate setting forth his decision shall be filed in the office of the secretary of the commonwealth before the certificate of the stocks or bonds are issued, and the proceeds of such stock or bonds shall not be applied to any purpose not specified in such decision.

Penalty for
corruption of
water, etc.

SECTION 11. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under authority of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon being convicted of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail for a term not exceeding one year.

Town may
take fran-
chise, prop-
erty, etc.

SECTION 12. The town of Barnstable shall have the right, at any time during the continuance of the charter hereby granted, to acquire by purchase or by exercise of the right of eminent domain, the franchise, property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of any kind held under the provisions of this act; and unless the dividends earned and declared by said company on its stock shall have been equal to or in excess of five per cent per annum, there shall be added to the cost of the work such a sum as would make the net return to the stockholders five per cent per annum on the investment. The town, on taking as herein provided the property of said corporation, shall assume all of its outstanding obligations incurred in the construction or improvement of the property, including bonds secured by mortgage issued under authority of this act, and the amount thus assumed shall be deducted from the total amount to be paid by said town to said corporation. Said corporation shall furnish to the town of Barnstable, under oath, an itemized statement of the actual cost of the water supply system authorized under this act, together with a copy of all contracts made in providing and constructing said water supply system and any extension thereof, and shall

To assume
outstanding
obligations,
etc.

Itemized
statement of
cost to be
furnished,
etc.

furnish to said town annually in the month of January an itemized statement, under oath, of its receipts and expenditures, which statement shall be submitted by the selectmen to the citizens of the town at the annual town meeting. This authority to take the said franchise and property is granted on condition that the same is assented to by the said town by a two thirds vote of the voters present and voting thereon at a meeting legally called for that purpose; and the taking, if by exercise of the right of eminent domain, shall be by filing in the registry of deeds for the county of Barnstable, the declaration of such taking, which shall include a certified copy of the article in the warrant under which the town acted, and of the vote of the town thereon showing that it was passed by a two thirds vote, as herein required. In case the town and the corporation shall be unable to agree upon the actual cost of said property, the supreme judicial court shall, upon application of either party and notice to the other, appoint three commissioners who shall determine the actual cost of said property, and whose award, when accepted by the court, shall be final. Interest at the rate of six per cent shall be included in said award from the date of the taking or purchase.

SECTION 13. Said town may for the purpose of paying the cost of said franchise and corporate property, and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate four hundred thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Barnstable Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest, payable semi-annually, at a rate not exceeding five per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purpose of this act, upon such terms and conditions as it may deem proper; but such securities shall not be sold for less than their par value. Said town shall pay the interest upon said loan as it accrues, and shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when

Barnstable
Water Loan.

a vote to that effect has been passed, a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works, and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of said town in each year thereafter, in the same manner in which other taxes are assessed under the provisions of law, until the debt incurred by said loan is extinguished.

Water commissioners,
election, etc.

SECTION 14. Said town shall, after purchasing or taking the said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act and not otherwise specifically provided for shall be vested in said water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board for any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose. Any such vacancy may be filled temporarily by a majority vote of the selectmen, and the person so appointed shall hold office until the town fills the vacancy in the manner provided herein.

Filling of
vacancy.

Commissioners to fix
rates for the
use of water,
etc.

SECTION 15. Said commissioners shall fix just and equitable rates for the use of water and shall prescribe a time and manner of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds, notes or scrip issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it shall be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new construction, the water rates shall be reduced proportionately. No money shall be expended in new construc-

tion by the water commissioners except from the net surplus aforesaid, unless the town appropriates or provides money therefor. Said commissioners shall annually, and as often as the town may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

SECTION 16. Any fire district now existing or hereafter established within the town of Barnstable for the purpose of supplying the inhabitants thereof with water for the extinguishment of fires, for domestic, manufacturing and other purposes, shall have all the rights and privileges herein granted to, and be subject to all the obligations, duties and liabilities herein imposed upon, said town.

Rights of
fire district
hereafter
established.

SECTION 17. This act shall take effect upon its acceptance by said town at any meeting legally called for said purpose, but shall become void unless said water company shall have begun to distribute water through its pipes to consumers in said town within three years after the date of its passage.

Time of
taking effect.

Approved April 14, 1911.

AN ACT RELATIVE TO THE NUMBER OF POLICE OFFICERS WHO MAY BE DETAILED BY THE POLICE COMMISSIONER OF THE CITY OF BOSTON FOR SERVICE UNDER THE BOARD OF HEALTH OF SAID CITY.

Chap. 287

Be it enacted, etc., as follows:

SECTION 1. Section seven of chapter four hundred and fifty of the acts of the year eighteen hundred and eighty-nine is hereby amended by striking out the word "five", in the sixth and fourteenth lines, and inserting in place thereof the word: — ten, — by striking out the words "board of police", wherever they occur in said section, and inserting in place thereof the words: — police commissioner, — and by striking out the word "are", in the thirteenth line, and inserting in place thereof the word: — is, — so as to read as follows: — *Section 7.* The police commissioner for the city of Boston shall, upon requisition by the board of health of said city, detail to the exclusive service and direction of said board of health, for enforcing the laws and ordinances relating to the preservation of health and to tenement and lodging houses, such number, not exceeding ten, of police officers satisfactory to the board of health as the board of health may desire, and the services of the police officers so detailed shall be paid for by said board of health; and said

1889, 450,
§ 7, amended.

Police officers
may be
detailed for
service under
the state
board of
health, etc.

officers so detailed shall continue subject to the direction of said board of health until exchanged for others at the request of said last named board. Said police commissioner is hereby authorized and empowered to appoint patrolmen, in number not exceeding ten, to fill any vacancies in the police force in the city which may be caused by the detailing of officers as provided in this act.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1911.

Chap.288 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE WIDOW OF WILLIAM T. CHESWELL.

Be it enacted, etc., as follows:

The city of Boston may pay a sum of money to Millie B. Cheswell.

SECTION 1. The city of Boston is hereby authorized to pay a sum not exceeding three thousand dollars to Millie B. Cheswell, widow of William T. Cheswell late a chief of the fire department of that city, who died from injuries received while in the performance of his duties.

SECTION 2. This act shall take effect upon its acceptance by the mayor and city council of the city of Boston.

Approved April 14, 1911.

Chap.289 AN ACT RELATIVE TO PROSECUTIONS FOR SELLING ADULTERATED OR MISBRANDED ARTICLES OF FOOD OR DRUGS.

Be it enacted, etc., as follows:

Prosecutions for selling adulterated or misbranded articles of food, etc.

SECTION 1. No dealer shall be prosecuted under the provisions of sections sixteen to twenty-six, inclusive, of chapter seventy-five of the Revised Laws, or of any act supplementary thereto or amendatory thereof, for selling, exposing for sale, or having in his custody or possession with intent to sell, any article of food or any drug or medicine which has been adulterated or misbranded contrary to the laws of this commonwealth, or which contains any substance, the use of which in food or in drugs is forbidden by the laws of this commonwealth, if he can establish a guaranty signed by the manufacturer, wholesaler, or jobber within this commonwealth from whom he purchased the said article, drug or medicine, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating the act. Such guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such

articles to such dealer, and in that case such party or parties shall be subject to the prosecution, fine or other penalties which would attach in due course to the dealer under the provisions of the sections aforesaid.

SECTION 2. So much of chapter seventy-five of the Revised Laws as is inconsistent herewith is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.
Approved April 14, 1911.

AN ACT RELATIVE TO THE OPERATION OF THE CARS OF STREET RAILWAY COMPANIES ACROSS THE TRACKS OF RAILROAD CORPORATIONS. Chap. 290

Be it enacted, etc., as follows:

Section eighty-two of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby amended by adding at the end thereof the words: — *provided, however*, that the board of railroad commissioners may, for such term and under such restrictions as it may from time to time prescribe, modify or suspend the requirements of this section with respect to any such crossing by a street railway of a railroad built for private use under the provisions of section two hundred and fifty-one of Part II of this act, or of a branch, spur or siding of a railroad built or used only for the transportation of freight to the premises of manufacturing or other industrial plants, — so as to read as follows: — *Section 82.* If a street railway crosses at the same level a steam railroad where locomotive engines are in daily use, every motorman of a car upon the street railway shall, when approaching the point of intersection, stop his car within one hundred feet of the crossing. For each violation of the provisions of this section, the motorman shall forfeit ten dollars, and the company which employs him shall forfeit twenty dollars: *provided, however*, that the board of railroad commissioners may, for such term and under such restrictions as it may from time to time prescribe, modify or suspend the requirements of this section with respect to any such crossing by a street railway of a railroad built for private use under the provisions of section two hundred and fifty-one of Part II of this act, or of a branch, spur or siding of a railroad built or used only for the transportation of freight to the premises of manufacturing or other industrial plants. *Approved April 14, 1911.*

1906, 463,
§ 82, Part
III, amended.

Cars to stop
at crossings.

Proviso.

Chap.291 AN ACT TO PROVIDE FOR THE PROTECTION OF THE PUBLIC HEALTH IN THE VICINITY OF THE TOWNS OF WINCHESTER AND STONEHAM AND THE CITY OF WOBURN.

Be it enacted, etc., as follows:

Entrance of sewage into Aberjona river prohibited, etc.

SECTION 1. The state board of health is hereby authorized and directed to prohibit the entrance or discharge of sewage into any part of Aberjona river, or its tributaries, and to prevent the entrance or discharge therein of any other substance which might be injurious to public health or might tend to create a public nuisance.

The board of health to consult with owner of factories, etc.

SECTION 2. The board shall consult and advise with the owner of any factory or other establishment situated on or near the said river or any of its tributaries, at his request or of its own motion, as to the best practicable and reasonably available means of rendering the waste or refuse therefrom harmless.

Jurisdiction of court.

SECTION 3. The supreme judicial court or any justice thereof, and the superior court or any justice thereof, shall have jurisdiction in equity to enforce the provisions of this act, and any order made by the state board of health in conformity therewith. Proceedings to enforce any such order shall be instituted and prosecuted by the attorney-general upon the request of the state board of health.

Penalty.

SECTION 4. Whoever permits the entrance or discharge into any part of Aberjona river, or its tributaries, of sewage or of any other substance injurious to public health or tending to create a public nuisance shall be punished by a fine not exceeding five hundred dollars for each offence.

Time of taking effect.

SECTION 5. This act shall take effect on the first day of July in the year nineteen hundred and eleven.

Approved April 14, 1911.

Chap.292 AN ACT RELATIVE TO THE CLASSIFICATION AND SALARIES OF CLERKS IN THE DEPARTMENT OF THE INSURANCE COMMISSIONER.

Be it enacted, etc., as follows:

1907, 576,
§ 5, amended.

SECTION 1. That part of section five of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven, which begins with the words "The commissioner may employ", in the twelfth line of said section, and ends with the word "year", in the twentieth line thereof, is hereby

amended by striking out the words “with an annual salary of two thousand dollars, a chief clerk with an annual salary of two thousand dollars, a second clerk with an annual salary of fifteen hundred dollars, a third clerk with an annual salary of twelve hundred dollars”, and inserting in place thereof the words: — with an annual salary of twenty-five hundred dollars, an assistant actuary with an annual salary of fifteen hundred dollars, and a chief clerk with an annual salary of twenty-five hundred dollars, — so that said part of said section will read as follows: — The commissioner may employ in his department an actuary with an annual salary of twenty-five hundred dollars, an assistant actuary with an annual salary of fifteen hundred dollars, and a chief clerk with an annual salary of twenty-five hundred dollars, and such additional clerks and assistants as the public business in his charge may require, at an expense not to exceed such amount as the general court may appropriate each year.

Employees
in insurance
commission-
er's office.

SECTION 2. This act shall take effect upon its passage.

Approved April 15, 1911.

AN ACT RELATIVE TO THE ANNUAL REPORT OF THE BOARD Chap. 293
OF GAS AND ELECTRIC LIGHT COMMISSIONERS.

Be it enacted, etc., as follows:

Section seven of chapter one hundred and twenty-one of the Revised Laws is hereby amended by inserting after the word “expedient”, in the seventh and eighth lines, the words: — but including the names and addresses of the principal officers and of the directors, — so as to read as follows: —

R. L. 121,
§ 7, amended.

Section 7. The board shall annually, on or before the first Wednesday in January, transmit to the secretary of the commonwealth a report to the general court of its doings, with such suggestions as to the condition of affairs or conduct of corporations and companies which are engaged in the manufacture and sale of gas or electricity for light or heat as may be appropriate, with such abstracts of the returns required by section thirty-one as it considers expedient, but including the names and addresses of the principal officers and of the directors, and an abstract of the accidents reported to it under the provisions of section thirty-nine.

Annual
report.

Approved April 15, 1911.

Chap.294 AN ACT RELATIVE TO VACANCIES IN THE OFFICES OF AUDITOR OF THE COMMONWEALTH AND SECRETARY OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Relative to vacancies in certain heads of departments.

SECTION 1. In the event of a vacancy in the office of auditor of the commonwealth, the deputy auditor, and in the event of a vacancy in the office of secretary of the commonwealth, the first deputy secretary, shall be continued in office and shall perform all statutory duties of the auditor and of the secretary, respectively, until an auditor or secretary shall be elected or appointed and shall qualify in the manner provided by law.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1911.

Chap.295 AN ACT TO AUTHORIZE THE REINSTATEMENT OF PHILIP H. SHANLEY IN THE STREET DEPARTMENT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Reinstatement of Philip H. Shanley in the street department of Boston.

SECTION 1. Philip H. Shanley, formerly employed as an inspector in the street department of the city of Boston may, subject to the approval of the superintendent of streets, and the mayor, be reappointed to said position without undergoing a civil service examination.

SECTION 2. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the tenth day of April, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap.296 AN ACT RELATIVE TO THE APPROPRIATION FOR THE FOOD AND DRUG DEPARTMENT OF THE STATE BOARD OF HEALTH.

Be it enacted, etc., as follows:

Increase of appropriation.

The annual appropriation made for the state board of health for the purposes of food and drug inspection is hereby increased by the sum of three thousand dollars.

(The foregoing was laid before the Governor on the eleventh day of April, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

AN ACT TO TRANSFER CERTAIN POWERS FROM THE CATTLE *Chap. 297*
BUREAU OF THE STATE BOARD OF AGRICULTURE TO THE
STATE BOARD OF HEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section seven of chapter ninety of the Revised Laws is hereby amended by striking out the words "The board", in the first line, and inserting in place thereof the words:—The state board of health,—so as to read as follows:—*Section 7.* The state board of health may make regulations for the inspection of meat, which shall conform to the regulations of the United States bureau of animal industry for the inspection of meat for export and for interstate commerce.

R. L. 90, § 7,
amended.

Regulation
for meat in-
spection.

SECTION 2. Section one hundred of chapter seventy-five of the Revised Laws is hereby amended by striking out the words "board of cattle commissioners", in the fifteenth line, and inserting in place thereof the words:—state board of health,—so as to read as follows:—*Section 100.* The mayor and aldermen, selectmen, or such other officers as they shall designate, or in a town having a population of more than five thousand, the board of health, if any, may annually issue licenses to carry on the business of slaughtering neat cattle, sheep or swine to applicants therefor. The fee for each license shall be one dollar. The license shall name the persons licensed to conduct such business, and the building or establishment in which it is to be carried on, and it shall continue in force until the first day of May of the year next ensuing, unless sooner forfeited or rendered void. A record shall be kept by the board or officers authorized to issue licenses of all applications for licenses under the provisions of the preceding section and of all licenses issued, which shall be evidence of the issue of any such license. Such board or officers shall annually, on or before the first day of June, send to the state board of health a copy of every application made to them under the provisions of the preceding section and their action thereon, and a list of all persons with their addresses, who although engaged in the business named in the preceding section on the last day of the previous April, failed to make application for a license.

R. L. 75,
§ 100,
amended.

Issue of
licenses, etc.

SECTION 3. Section one hundred and one of chapter seventy-five of the Revised Laws is hereby amended by striking out the words "a member of the board of health

R. L. 75,
§ 101,
amended.

Slaughtering
of cattle.

or of an inspector appointed therefor by said board", in the fifth and sixth lines, and inserting in place thereof the words: — an inspector of the state board of health, — so as to read as follows: — *Section 101.* A licensee under the provisions of the preceding section shall not slaughter any such animals, or cause them to be slaughtered at such slaughter house or establishment, on any days other than those specified in the application for such license, except in the presence of an inspector of the state board of health; but he may at any time change the days for slaughtering such animals, by giving at least seven days' written notice thereof to the board or officer authorized to issue licenses, who shall immediately give written notice of such change to such inspector of such city or town.

R. L. 75,
§ 102,
amended.

SECTION 4. Section one hundred and two of chapter seventy-five of the Revised Laws is hereby amended by striking out the words "board of cattle commissioners", in the seventh line, and inserting in place thereof the words: — state board of health, — so as to read as follows: — *Section 102.* Such inspector as has been appointed by the board of health shall be present at all licensed slaughter houses or establishments upon the days designated for slaughter by the licensee, as provided in the preceding section, and there carefully examine the carcasses of all animals at the time of slaughter. Such inspection shall be made in such manner and under such rules and regulations as the state board of health may determine and direct. If, in the opinion of an inspector, any carcass, or any meat or product thereof is diseased, corrupted, unwholesome or unfit for food, he shall seize it and cause it to be destroyed, as provided in section seventy of chapter fifty-six.

Powers and
duties of in-
spectors, etc.

R. L. 75,
§ 103,
amended.

SECTION 5. Section one hundred and three of chapter seventy-five of the Revised Laws, as set forth in chapter two hundred and twenty of the acts of the year nineteen hundred and three, and as amended by chapter four hundred and seventy-one of the acts of the year nineteen hundred and nine, is hereby further amended by striking out the words "cattle bureau of the state board of agriculture", in the twelfth line, and inserting in place thereof the words: — state board of health, — so as to read as follows: — *Section 103.* In a slaughtering establishment wherein inspection and branding are not carried on under the rules and regulations for the inspection of live stock and other products, established by the United States department of agriculture in accord-

Certain car-
casses to be
stamped.

ance with acts of congress, the carcasses of animals slaughtered under the provisions of the four preceding sections shall at the time of slaughter, if not condemned, be stamped or branded by the inspector thereof in like manner as those inspected by the United States bureau of animal industry for interstate trade, by a stamp or brand designed for the purpose by the state board of health, which shall be furnished by it to the board of health of a city or town applying therefor. Such stamps shall be uniform in design throughout the commonwealth, but shall contain the name of the city or town in which they are used.

SECTION 6. For the purposes of this act inspectors of meats and provisions shall be appointed, shall be compensated, and may be removed in accordance with the provisions of law relating to inspectors of animals, except that the state board of health shall in respect to its inspectors perform the duties and exercise the authority imposed by law upon the chief of the cattle bureau of the state board of agriculture in respect to inspectors of animals. The first appointments under this act shall be made within thirty days after its passage.

Appointment
of inspectors,
etc.

SECTION 7. This act shall take effect upon its passage.

Approved April 20, 1911.

AN ACT RELATIVE TO THE SENIORITY OF OFFICERS IN THE MILITIA TRANSFERRED FROM ONE OFFICE OR ORGANIZATION TO ANOTHER. Chap. 298

Be it enacted, etc., as follows:

SECTION 1. Section forty-one of chapter six hundred and four of the acts of the year nineteen hundred and eight is hereby amended by inserting after the word "without", in the thirteenth line, the words: — increase of grade or, — so as to read as follows: — *Section 41.* Commissioned officers shall rank according to the date of their commissions. Between officers of the same grade and date of appointment or commission, where there has been no previous military service, the relative rank shall be determined by lot. Such previous service shall count, as in the army or navy of the United States, and in the volunteer militia or reserve militia of this commonwealth only, and in the order herein named.

1908, 604,
§ 41,
amended.

Rank of com-
missioned
officers.

The day of the appointment or election of an officer shall be expressed in his commission and shall be considered as

Date of
appointment
to be

expressed in
commission.

the date thereof. When an officer is appointed, elected, or transferred from one office or organization to another, without increase of grade or loss of grade or continuous service, he shall rank in his grade according to the date of his original commission, which shall be stated in his new commission. The provisions of this section shall not apply when a commissioned officer is transferred by election or appointment from the staff to the line.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1911.

Chap.299 AN ACT TO PROVIDE FOR THE READJUSTMENT OF THE SALARIES OF CLERKS OF COURTS, COUNTY COMMISSIONERS AND COUNTY TREASURERS AFTER THE TAKING OF A NATIONAL OR STATE CENSUS.

Be it enacted, etc., as follows:

Readjustment
of salaries of
certain
officials.

SECTION 1. The salaries of clerks of courts, county commissioners and county treasurers, and the classes into which counties are distributed, when the population thereof as ascertained by the last preceding national or state census permits it, shall so be readjusted by the officer paying the salary, as to correspond with the classes and salaries provided for by chapter four hundred and fifty-one of the acts of the year nineteen hundred and four, and acts in amendment thereof and in addition thereto. Payment of salaries so readjusted shall begin on the first day of July in the year in which the said census is taken.

Reduction of
salary not
authorized.

SECTION 2. This act shall not be construed to reduce the salary of any official aforesaid established by special act of the general court since the year nineteen hundred and four; and so far as it shall operate to reduce the salary of any other official, this act shall not take effect while the present incumbent continues to hold office.

Approved April 20, 1911.

Chap.300 AN ACT RELATIVE TO THE PREPARATION AND OPENING FOR PUBLIC TRAVEL OF WAYS IN THE CITY OF LOWELL.

Be it enacted, etc., as follows:

Opening of
ways for
public travel
in Lowell.

SECTION 1. After the passage of this act no person or corporation shall prepare or open for public travel in the city of Lowell any way, unless its location, direction, width and grades are satisfactory to and have been approved in

writing by a board consisting of the mayor, the civil engineer, and the superintendent of streets of the city.

SECTION 2. This act shall take effect upon its acceptance by the board of aldermen of the city, after a public hearing. Time of taking effect.
Approved April 20, 1911.

AN ACT RELATIVE TO THE AUTHORITY OF THE BOARD OF HEALTH OF THE CITY OF QUINCY. Chap.301

Be it enacted, etc., as follows:

SECTION 1. The board of health of the city of Quincy is hereby authorized to establish rules and regulations governing the cleaning out of vaults, privies and cesspools in that city, and it may prohibit the cleaning out of any vault, privy or cesspool in the city except by its agents or employees, and it may do such work by its agents or employees. The board may establish rules and regulations fixing the amounts to be charged for doing said work, and whenever the work is done by the agents or employees of the board it shall, as soon as may be after the work is done, notify the owner of the premises on which the vault, privy or cesspool is located, of the charge made for doing the work and if the money so charged is not paid to the city treasurer within thirty days thereafter, the city may, in an action of contract, recover the amount so charged by the board of health from the owner of said premises. Authority of the board of health of Quincy.

SECTION 2. This act shall not be construed as limiting or taking away from said board of health any authority now vested in it to make and enforce rules and regulations governing the cleaning out of vaults, privies and cesspools, and the removal and disposal of the contents thereof. Certain powers not limited, etc.

SECTION 3. This act shall take effect upon its passage.
Approved April 20, 1911.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ADDITIONAL COURT OFFICER FOR THE PROBATE COURT OF THE COUNTY OF MIDDLESEX. Chap.302

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and sixty-four of the Revised Laws is hereby amended by striking out section thirty-four and inserting in place thereof the following: — R. L. 164, § 34, amended.
Section 34. In addition to the officers whom the sheriff of the county of Middlesex is authorized by section seventy- Appointment of officers in the county of

Middlesex,
etc.

three of chapter one hundred and sixty-five to appoint, he may appoint, subject to the approval of the judges of probate and insolvency for said county, two officers who shall serve as permanent court officers for attendance at the sessions of the probate court. Each of said officers shall give bond in the sum of ten thousand dollars, for the faithful performance of his duties, payable to the sheriff of said county with sureties who shall be approved by either of said judges. Said officers shall serve the orders, precepts and processes issued by said probate court or by either judge thereof. Said officers shall each receive from the county of Middlesex an annual salary of seventeen hundred dollars in full payment for all services performed by him, ten cents a mile for travel out and home once a week during such attendance, if the distance exceeds five miles one way, and one hundred dollars, annually, in addition to his salary, to provide a uniform, which he shall wear while in attendance on said courts.

SECTION 2. This act shall take effect upon its passage.
Approved April 20, 1911.

Chap.303 AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, except as hereinafter otherwise provided, for the purposes specified, to wit: —

Edward W. Brewer.

For Edward W. Brewer, as authorized by chapter six of the resolves of the present year, the sum of one hundred and eighty-five dollars, the same to be paid out of the Motor Vehicle Fees Fund.

Merchants Club of Boston.

For the Merchants Club of Boston, as authorized by chapter eight of the resolves of the present year, the sum of seventy-five dollars, the same to be paid from the fees received from liquor licenses.

Commission to investigate the inspection of factories, etc.

For expenses in connection with the commission appointed to investigate the inspection of factories, workshops, mercantile establishments and other buildings, as authorized by chapter ten of the resolves of the present year, a sum not exceeding twelve hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

For the erection of a bronze tablet on the site of the Myles Garrison house in the town of Swansea, as authorized by chapter eleven of the resolves of the present year, a sum not exceeding six hundred dollars.

Tablet on the site of the Myles Garrison house.

For reprinting the publication relative to the agricultural resources of Massachusetts, as authorized by chapter thirteen of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

Agricultural resources.

For fire protection at the state normal school at Fitchburg, as authorized by chapter fourteen of the resolves of the present year, a sum not exceeding two thousand dollars.

Fitchburg normal school.

For the New England Industrial School for Deaf Mutes, as authorized by chapter fifteen of the resolves of the present year, the sum of thirty-five hundred dollars.

New England Industrial School for Deaf Mutes.

For William H. Lawrence, as authorized by chapter sixteen of the resolves of the present year, the sum of four hundred fifty-eight dollars and thirty-four cents.

William H. Lawrence.

For the purchase of the card catalogue of the general court of Massachusetts prepared by the late Caleb B. Tillinghast, as authorized by chapter seventeen of the resolves of the present year, a sum not exceeding five thousand dollars.

Card catalogue of the general court.

For the preparation of a memorial of the soldiers, sailors and marines who served in the Spanish-American war, as authorized by chapter nineteen of the resolves of the present year, a sum not exceeding one thousand dollars.

Memorial of Spanish-American war soldiers.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1911.

AN ACT RELATIVE TO THE DUTIES OF ELECTION OFFICERS. *Chap. 304*
Be it enacted, etc., as follows:

Section two hundred and fifty-one of chapter five hundred and sixty of the acts of the year nineteen hundred and seven is hereby amended by adding at the end thereof the following: — except that he shall when requested make a statement of the figures on the ballot box register, which statement shall not be considered an official declaration as to the state of the polls or of the number of ballots cast, — so as to read as follows: — *Section 251.* No election officer shall, before the public declaration of the vote, make any statement of the number of ballots cast, the number of votes given for any person, the name of any person who has voted or whose name has not been checked, or of any other

1907, 560, § 251, amended.

Statement may be made of ballot box register.

fact tending to show the state of the polls, except that he shall when requested make a statement of the figures on the ballot box register, which statement shall not be considered an official declaration as to the state of the polls or of the number of ballots cast. *Approved April 20, 1911.*

Chap. 305 AN ACT RELATIVE TO THE SPEEDY TRIAL OF CERTAIN CAUSES.

Be it enacted, etc., as follows:

R. L. 173,
§ 55, etc.,
amended.

Certain
causes may
be advanced
for speedy
trial, etc.

SECTION 1. Section fifty-five of chapter one hundred and seventy-three of the Revised Laws, as amended by chapter two hundred and seventy-one of the acts of the year nineteen hundred and five, and by chapter five hundred and thirty-eight of the acts of the year nineteen hundred and ten, is hereby further amended by striking out said section and inserting in place thereof the following: — *Section 55.* In any action of contract in which the defendant has appeared, any plaintiff, or if a corporation its treasurer, may at any time before the case is on the short list, so-called, file an affidavit verifying the cause of action and stating that in his belief there is no defence thereto; and thereupon the clerk shall issue an order requiring the defendant to show cause in writing and under oath why judgment should not be given for the plaintiff. The plaintiff shall immediately give notice in writing to the defendant of such order, and unless the defendant, within seven days after such notice, or within such further time as the court may allow, consents to a default and to judgment for the amount demanded, if the claim is to recover a debt, or liquidated demand, or unless by affidavit setting out specifically and clearly the substantive facts upon which he relies he discloses such facts as the court finds entitle him to defend, the court shall advance said action for speedy trial; but if, upon a hearing under such order and notice, the court does not so advance the action, it may in its discretion award the defendant reasonable costs. The court shall require the defendant to disclose specifically and clearly the substantive facts upon which he relies; and in any trial any affidavit so filed by any party may be given in evidence against him. If, in an action appealed by the defendant from a police, district or municipal court or trial justice, the court is satisfied, upon an inspection of the declaration, that the plaintiff seeks to recover solely for his personal labor, with or without

interest, the court shall upon motion advance such action for speedy trial. In any action in which a defendant has appeared and answered, such defendant, or if a corporation its treasurer, may at any time before the case is on the short list, so-called, file an affidavit stating that in his belief there is no merit in the action; and thereupon the clerk shall issue an order requiring the plaintiff to show cause why he should not become non-suit. The defendant shall immediately give notice in writing to the plaintiff of such order, and unless within seven days after such notice, or within such further time as the court may allow, the plaintiff consents to a non-suit, or unless by affidavit setting forth specifically and clearly the substantive facts upon which he relies he discloses such facts as the court finds entitle him, if they are true, to maintain his action, the court shall advance said action for speedy trial. At any trial of the action any affidavit filed by either party, as herein provided, may be given in evidence against him.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1911.

AN ACT TO AUTHORIZE THE TOWNS OF WEYMOUTH AND BRAINTREE TO REGULATE THE TAKING OF SMELTS IN THE WATERS OF WEYMOUTH FORE RIVER AND WEYMOUTH BACK RIVER.

Chap. 306

Be it enacted, etc., as follows:

SECTION 1. By joint action the selectmen of the towns of Weymouth and Braintree, if so instructed by their towns, may grant permits for the taking of smelts in the close season between the fifteenth day of March and the fifteenth day of April, both dates inclusive, in the Weymouth Fore river and the Weymouth Back river. Such permits shall prescribe the time and method of so taking smelts, and the said selectmen may make such other regulations in regard to said fishery as they may deem expedient: *provided*, that the fish so taken shall be in quantities not exceeding thirty-six fish in any one day by any one person. The smelts so taken shall not be sold or offered for sale at any time. Any person receiving smelts under this act who sells, gives away or disposes of the same, in any manner, to persons other than his own family shall be subject to the penalty herein provided.

Regulating the taking of smelts in certain rivers.

Proviso.

SECTION 2. The board of commissioners on fisheries and game may alter or annul any rule, regulation or by-law,

Rules and regulations may be annulled.

relative to the taking of smelts under this act, if, in their opinion, the same is prejudicial to the maintenance of the fisheries.

Certain rights in land may be acquired, etc.

SECTION 3. The towns of Weymouth and Braintree are hereby authorized to take or acquire by purchase or otherwise such lands or rights in lands along the said rivers as may be convenient for fishing therein, and may appropriate money for carrying out the provisions of this act. The selectmen and any persons employed by them or authorized by them to take fish under the provisions of this act may go upon and pass over the lands of any person through or by which either of the said rivers run, provided that they shall enter upon or pass over such lands at such times and places as the selectmen shall prescribe, and only for the purpose of protecting the said fishery or of taking the said fish, and shall do no more damage to said lands than is unavoidable. Any person who shall prevent or hinder the selectmen or any person authorized by them in the proper use of the said lands, as above provided, shall forfeit a sum not exceeding twenty dollars for each offence.

Penalty.

SECTION 4. Any person not authorized by the selectmen of the said towns as above provided who shall fish in the said rivers at any time in the close season, and any person who violates any provision of this act shall be liable to a fine of one dollar for each fish or part thereof in respect to which the violation occurs.

Time of taking effect.

SECTION 5. This act shall take effect upon its acceptance by a majority vote of the legal voters of the said towns present and voting thereon at any annual or special town meeting.

Approved April 20, 1911.

Chap. 307 AN ACT TO AUTHORIZE THE MUNICIPAL AUTHORITIES OF THE CITY OF LOWELL AND OF THE TOWN OF TYNGSBOROUGH TO PERMIT SPEED TESTS OR CONTESTS UPON CERTAIN HIGHWAYS DURING CERTAIN DAYS IN THE CURRENT YEAR.

Be it enacted, etc., as follows:

Speed tests, etc., may be permitted, etc.

SECTION 1. The mayor and board of aldermen of the city of Lowell and the selectmen of the town of Tyngsborough may, after a public hearing, and subject to such regulations concerning the closing, use and control of the highways as they deem necessary for public convenience and safety, grant permits to persons to drive motor cycles and automobiles in speed tests or contests during specified times

and upon specified parts of any public way or ways, in their city or town, respectively, during any three days between the fifth day of September and the first day of October of the current year, both inclusive: *provided*, that no highway shall be closed on the Lord's day nor shall any practice, exhibition or speed tests or contests be permitted on that day; and *provided, further*, that, if any damage is done to the state highway over which these races are run, the city of Lowell and the town of Tyngsborough shall repair their proportionate share of said highway to the satisfaction of the Massachusetts highway commission. Provisos.

SECTION 2. This act shall take effect upon its passage.
Approved April 20, 1911.

AN ACT RELATIVE TO RETURNS BY ASSESSORS OF MUNICIPAL ASSETS AND LIABILITIES. Chap.308

Be it enacted, etc., as follows:

SECTION 1. Section ninety-six of Part I of chapter four hundred and ninety of the acts of the year nineteen hundred and nine is hereby repealed. Repeal.

SECTION 2. This act shall take effect upon its passage.
Approved April 20, 1911.

AN ACT RELATIVE TO THE PAYMENT OF A FEE FOR INSTRUCTION IN THE EVENING SCHOOLS. Chap.309

Be it enacted, etc., as follows:

School committees in cities and towns in which evening schools are maintained may require from each student not bound by law to attend, an advance payment not exceeding one dollar, which sum may, at the discretion of the committee, be turned into the city or town treasury to be credited to the school appropriation of such city or town, or it may be returned in part or in whole to the student at such time and under such conditions as the committee may determine. Payment of a fee for instruction in evening schools.

Approved April 20, 1911.

AN ACT RELATIVE TO THE EMPLOYMENT OF CERTAIN MINORS IN FACTORIES, WORKSHOPS AND MERCANTILE ESTABLISHMENTS. Chap.310

Be it enacted, etc., as follows:

SECTION 1. No illiterate minor between the age of sixteen and twenty-one years shall be employed in a factory, Employment of certain minors, etc.

workshop, mechanical or mercantile establishment unless his employer procures and keeps on file, accessible to the truant officers of the city or town and to the district police and inspectors of factories and public buildings, a certificate showing that such minor is sixteen years of age or over. Said certificate shall give the place and date of birth of such minor and his personal description. The printed form of the certificate shall be provided by the chief of the district police and shall be approved by the attorney-general.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1911.

Chap.311 AN ACT TO PROVIDE FOR THE TRANSFER OF THE PROPERTY OF THE MASSACHUSETTS AGRICULTURAL COLLEGE TO THE COMMONWEALTH.

Be it enacted, etc., as follows:

Transfer of property of the Massachusetts Agricultural College.

SECTION 1. The Massachusetts Agricultural College, incorporated by chapter two hundred and twenty of the acts of the year eighteen hundred and sixty-three, shall transfer all its property, real and personal, and all its assets of every kind, to the commonwealth, excepting such property not originally paid for by money granted by the commonwealth as is held by said corporation upon special trusts. The transfer shall be made by an instrument in the form of a conveyance of real estate executed by said corporation, and recorded in the registry of deeds for the county of Hampshire. Upon the recording of the said instrument, the transfer shall be complete, and title to the property therein described shall vest in the commonwealth.

Certain provisions of law to continue in force.

SECTION 2. The laws heretofore governing the support and the auditing of the expenditures and accounts of the said corporation shall continue in force.

Approved April 20, 1911.

Chap.312 AN ACT TO PROVIDE FOR A HIGH PRESSURE FIRE SERVICE IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

High pressure fire service in Boston.

SECTION 1. The commissioner of public works of the city of Boston is hereby authorized to prepare plans and to proceed to the immediate installation of a suitable and efficient system of high pressure fire service for the said city.

SECTION 2. For the purpose of defraying the expenses incurred under the provisions of this act the city council may appropriate during the ensuing six years the sum of one million dollars. The said appropriation shall be not less than one hundred and fifty thousand dollars for each year, and the amount which the city council shall thus appropriate in any one year shall be included in the statutory limit of indebtedness of the city for that year.

Expenditures.

SECTION 3. The said city is hereby authorized to take such quantities of water as may be necessary for the proper carrying out of the purposes of this act from the Charles river basin. It shall also be authorized to purchase or to erect such pumps and stations as may be necessary to carry out the purposes of this act. The work of building such pumping stations as may be found necessary under the authority of this act shall be done by contract publicly advertised. Not more than fifteen per cent of the indebtedness incurred under the provisions of this act in any year shall be expended for day labor.

Water may be taken from Charles river basin.

SECTION 4. This act shall take effect upon its acceptance by the city council and mayor of the city of Boston.

Time of taking effect.

Approved April 20, 1911.

AN ACT RELATIVE TO THE EMPLOYMENT OF CHILDREN AND WOMEN IN CERTAIN WORKSHOPS CONNECTED WITH MERCANTILE ESTABLISHMENTS.

Chap. 313

Be it enacted, etc., as follows:

SECTION 1. The provisions of section forty-seven of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, relative to the employment of children and women in mercantile establishments, shall also apply to children and women employed in a workshop for the making, altering or repairing of garments: *provided*, that the workshop is connected with a mercantile establishment where the said garments are sold at retail, and is owned and operated by the proprietor of such mercantile establishment; and *provided, also*, that such children and women shall not be employed more than fifty-six hours in any one week. The provisions of section forty-eight of the said chapter shall not apply to children and women employed as aforesaid.

1909, 514, § 47, to apply in certain cases.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1911.

Chap.314 AN ACT TO AUTHORIZE SCHOOL COMMITTEES TO EXPEND MONEY FOR THE SUPERVISION OF SPORTS.

Be it enacted, etc., as follows:

Supervision
of sports,
etc.

SECTION 1. School committees in cities and towns may expend money, as it is now expended for public school purposes, for the supervision of play and games on land under their control, and for the equipment thereof.

SECTION 2. This act shall take effect upon its passage.
Approved April 20, 1911.

Chap.315 AN ACT TO INCREASE THE RESERVE OF LIABILITY COMPANIES FOR OUTSTANDING LOSSES.

Be it enacted, etc., as follows:

1907, 576,
§ 11,
amended.

That part of section eleven of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven, relating to the reserve of liability companies, comprising lines one hundred to one hundred and ninety-four, both inclusive, beginning with the word "Every", in the one hundredth line, and ending with the word "underwriting", in the one hundred and ninety-fourth line, is hereby amended by striking out the same and inserting in place thereof the following: — The indebtedness for outstanding losses under insurance against loss or damage resulting from accident to or injuries suffered by an employee or other person, for which the insured is liable, and under insurance against loss from liability on account of the death of or injury to an employee not caused by the negligence of the employer, shall be determined as follows: — Each corporation which writes policies covering any of said kinds of insurance shall include in the annual statement required by section one hundred and one of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven, a schedule of its experience thereunder, in the United States and in foreign countries in the case of corporations organized in the United States, and in the United States only in the case of corporations organized outside of the United States, giving each calendar year's experience separately, and crediting or charging each item to the year in which the policy to which it relates was written, as follows: (1) the earned premiums on all such policies written during the period of

Indebtedness
for outstand-
ing losses,
etc.

ten years immediately preceding the date as of which the statement is made, being the gross premiums on all such policies including excess and additional premiums and premiums in course of collection, less return premiums and premiums on cancelled policies, and less the unearned premiums on policies in force as shown in such annual statement; (2) the amount of all payments of whatsoever nature made by reason or on account of injuries covered by such policies written during said period. This amount shall include medical and surgical attendance, payments to claimants, legal expenses, salaries and expenses of investigators, adjusters, and field men, rents, stationery, telegraph and telephone charges, postage, salaries and expenses of office employees, home-office expenses, and all other payments made on account of such injuries, whether such payments are allocated to specific claims or are unallocated; (3) the number of suits being defended at the date as of which the statement is made under policies written during said period, except suits in which liability is not dependent upon negligence of the insured, and a charge of seven hundred and fifty dollars for each suit; (4) the number of deaths for which the insured are liable without proof of negligence, covered by policies written during said period, and not paid for at the date as of which the statement is made and a charge of the amount necessary to pay for such deaths; (5) the number of unpaid claims at the date as of which the statement is made on account of non-fatal injuries for which the insured are liable without proof of negligence, covered by policies written during said period and a charge equal to the present value of the estimated future payments; (6) the loss ratio determined from the foregoing as to each year separately, using as the divisor the earned premiums shown in item (1) and as the dividend the amount of payments shown in item (2) plus the amounts charged in items (3), (4) and (5); (7) the number of suits being defended at the date as of which the statement is made under policies written more than ten years prior to such date, except suits in which liability is not dependent upon negligence of the insured; (8) the number of deaths for which the insured are liable without proof of negligence, covered by policies written more than ten years prior to the date as of which the statement is made, and not paid for at such date; (9) the number of unpaid claims at the date as of which the statement is made on account of non-fatal injuries for which the insured are liable without proof of

Indebtedness
for outstand-
ing losses,
etc.

Distribution
of certain
payments,
etc.

negligence, covered by policies written more than ten years prior to such date.

All unallocated payments in item (2) made in a given calendar year subsequent to the first four years in which a corporation has been issuing such policies shall be distributed as follows: thirty-five per cent shall be charged to the policies written in that year, forty per cent to the policies written in the preceding year, ten per cent to the policies written in the second year preceding, ten per cent to the policies written in the third year preceding and five per cent to the policies written in the fourth year preceding; and such payments made in the first four calendar years in which a corporation has been issuing such policies shall be distributed as follows: in the first calendar year one hundred per cent shall be charged to the policies written in that year; in the second calendar year fifty per cent shall be charged to the policies written in that year and fifty per cent to the policies written in the preceding year; in the third calendar year forty per cent shall be charged to the policies written in that year, forty per cent to the policies written in the preceding year and twenty per cent to the policies written in the second year preceding; and in the fourth calendar year thirty-five per cent shall be charged to the policies written in that year, forty per cent to the policies written in the preceding year, fifteen per cent to the policies written in the second year preceding and ten per cent to the policies written in the third year preceding, and a schedule showing such distribution shall be included in such annual statement.

Indebtedness
for outstand-
ing losses,
etc.

Every such corporation shall be charged with indebtedness for outstanding losses upon such policies determined as follows: (10) for all suits being defended under policies written more than ten years prior to the date as of which the statement is made, except suits in which liability is not dependent upon negligence of the insured, one thousand dollars for each suit; (11) for all suits being defended under policies written more than five years and less than ten years prior to the date as of which the statement is made, except suits in which liability is not dependent upon negligence of the insured, seven hundred and fifty dollars for each suit; (12) for all deaths for which the insured are liable without proof of negligence, covered by policies written more than five years prior to the date as of which the statement is made, the amount necessary to pay for such deaths; (13) for all

unpaid claims on account of non-fatal injuries for which the insured are liable without proof of negligence under policies written more than five years prior to the date as of which the statement is made, the present value of the estimated future payments; (14) for the policies written in the five years immediately preceding the date as of which the statement is made an amount determined as follows: multiply the earned premiums of each of such five years as shown in item (1) by the loss ratio ascertained as in item (6) on all the policies written in the first five years of the said ten-year period, using as the divisor the sum of the earned premiums shown in item (1) for said first five years, and as the dividend the sum of the payments shown in item (2) for said first five years plus the sum of the charges in items (3), (4) and (5) for said first five years; but the ratio to be used shall in no event be less than fifty per cent at and after December thirty-first, nineteen hundred and eleven, nor less than fifty-one per cent at and after December thirty-first, nineteen hundred and twelve, nor less than fifty-two per cent at and after December thirty-first, nineteen hundred and thirteen, nor less than fifty-three per cent at and after December thirty-first, nineteen hundred and fourteen, nor less than fifty-four per cent at and after December thirty-first, nineteen hundred and fifteen, nor less than fifty-five per cent at and after December thirty-first, nineteen hundred and sixteen; and from the amount so ascertained in each of the last five years of said ten-year period deduct all payments made under policies written in the corresponding year as shown in item (2), and the remainder in the case of each year shall be deemed the indebtedness for that year: *provided, however*, that if the remainder in the case of any year of the first three years of the five years immediately preceding the date as of which the statement is made shall be less than the sum of the three following items for that year at that date, — (a) the number of suits, except suits in which liability is not dependent upon negligence of the insured, being defended under policies written in that year, and a charge of seven hundred and fifty dollars for each suit; (b) the amount necessary to pay for all deaths for which the insured are liable without proof of negligence, covered by policies written in that year; and (c) the present value of estimated unpaid claims on account of non-fatal injuries for which the insured are liable without proof of negligence,

Proviso.

covered by policies written in that year, — then the sum of said items (a), (b) and (c) shall be the indebtedness for that year.

Annual
statement,
etc.

A corporation which has been issuing such policies for a period of less than ten years shall nevertheless include in its annual statement a schedule as hereinbefore required for the years in which it issued such policies, and shall be charged with an indebtedness determined in the same manner; but in determining the indebtedness for policies written in the five years immediately preceding the date as of which the statement is made, the minimum ratios hereinbefore prescribed shall be used, subject to the same deductions and provisions as in the case of corporations that have been issuing such policies for ten years or more.

Approved April 20, 1911.

Chap.316 AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE OLD PROVINCIAL STATE HOUSE IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Provincial
state house.

SECTION 1. The sum of fifteen hundred dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, toward the maintenance of the old provincial state house in the city of Boston, during the present fiscal year, as provided for by chapter two hundred and ninety-eight of the acts of the year nineteen hundred and ten.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1911.

Chap.317 AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF INTEREST ON THE DIRECT DEBT AND TEMPORARY LOANS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Payment of
interest on
debt.

SECTION 1. A sum not exceeding one million two hundred sixty-seven thousand two hundred seventy dollars and seventy-four cents is hereby appropriated, to be paid out of the treasury of the commonwealth, for the purpose of meeting the interest on the direct debt of the commonwealth, also on temporary loans, as provided for by article eleven of section one of chapter two of the constitution of

Massachusetts, the same being the estimate of the treasurer and receiver general.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1911.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED BY LAW. Chap. 318

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year nineteen hundred and eleven, the sum of three hundred dollars.

Appropriations.

Construction and repair of roads in Mashpee.

For reimbursing certain officials for premiums paid for procuring sureties on their bonds, a sum not exceeding two thousand dollars.

Premiums on bonds.

For preliminary plans, specifications and estimates, provided for by the act relative to the construction and improvement of buildings at state and other institutions, a sum not exceeding two thousand dollars.

Plans, specifications, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1911.

AN ACT MAKING AN APPROPRIATION FOR THE IMPROVEMENT OF A CERTAIN CHANNEL IN PLYMOUTH HARBOR. Chap. 319

Be it enacted, etc., as follows:

SECTION 1. The sum of five thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for expenses in connection with dredging a channel in Plymouth harbor and for dredging a basin for turning vessels at the inner end of the same, as authorized by chapter five hundred and thirty-one of the acts of the year nineteen hundred and seven, the same to be in addition to any amount heretofore appropriated for this purpose.

Channel in Plymouth harbor.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1911.

Chap.320 AN ACT MAKING APPROPRIATIONS FOR PAYMENT OF STATE AND MILITARY AID AND EXPENSES IN CONNECTION THEREWITH.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the department of state and military aid, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

State and military aid.

For reimbursing cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding eight hundred and forty thousand dollars, the same to be paid on or before the fifteenth day of November in the year nineteen hundred and eleven.

Commissioner of state aid, etc.

For the salary of the commissioner of state aid and pensions, twenty-five hundred dollars.

Deputy.

For the salary of the deputy commissioner two thousand dollars.

Agents.

For the salaries of agents, forty-five hundred dollars.

Bookkeeper.

For the salary of the bookkeeper, thirteen hundred dollars.

Clerks.

For the salaries of clerks, a sum not exceeding fifty-four hundred dollars.

Expenses.

For incidental and contingent expenses, to include necessary travel, a sum not exceeding twenty-three hundred dollars.

SECTION 2. This act shall take effect upon its passage

Approved April 20, 1911.

Chap.321 AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS STATE FIREMEN'S ASSOCIATION.

Be it enacted, etc., as follows:

Massachusetts State Firemen's Association.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the Massachusetts State Firemen's Association, as provided for by chapter one hundred and seventy-one of the acts of the year nineteen hundred and six.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1911,

AN ACT TO AUTHORIZE THE APPOINTMENT OF AN OFFICER Chap.322
FOR ATTENDANCE UPON THE SUPERIOR COURT FOR THE
COUNTY OF WORCESTER AND TO ESTABLISH HIS SALARY.

Be it enacted, etc., as follows:

SECTION 1. The sheriff of the county of Worcester may appoint, subject to the approval of the justices of the superior court or of a majority thereof, an officer for attendance on the sessions of the said court for civil or criminal business. Appointment of an officer in Worcester county.

SECTION 2. The said officer shall receive from the county of Worcester an annual salary of seventeen hundred dollars in full for all his services, and ten cents a mile for travel out and home once a week during his attendance at court, when the distance exceeds five miles one way. Compensation.

SECTION 3. The provisions of sections seventy-four, seventy-seven and seventy-eight of chapter one hundred and sixty-five of the Revised Laws and chapter one hundred and forty-seven of the acts of the year nineteen hundred and six shall apply to the officer named in section one. Certain provisions of law to apply.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved April 21, 1911.

AN ACT TO AUTHORIZE THE BOSTON AND NORTHERN STREET Chap.323
RAILWAY COMPANY TO PURCHASE THE FRANCHISE AND
PROPERTY OF THE OLD COLONY STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

SECTION 1. The Boston and Northern Street Railway Company may purchase the franchise and property of the Old Colony Street Railway Company, and the Old Colony Street Railway Company may sell and convey its franchise and property to the Boston and Northern Street Railway Company: *provided*, that the facilities for travel on the railway of each of said companies shall not thereby be diminished or the rates of fare increased; but such purchase and sale shall not be valid or binding until its terms have been agreed to by a majority of the directors, and have been approved at meetings called for the purpose by a vote of two thirds in interest of the stockholders of each of the contracting companies, and by the board of railroad commissioners, as required by section sixty-seven of Part I of chapter four hundred and sixty-three of the acts of the year nineteen Consolidation of certain street railway corporations.

Proviso.

hundred and six, as amended by section seven of chapter five hundred and eighty-five of the acts of the year nineteen hundred and seven; and said purchasing company shall have the powers and privileges and be subject to the duties, liabilities and restrictions of the Old Colony Street Railway Company and shall further be subject to all provisions of general law now or hereafter in force, not inconsistent with the provisions of this act.

Increase of
capital stock,
etc.

SECTION 2. For the purpose of making the purchase aforesaid, and to enable it to carry into effect the agreement therefor, the Boston and Northern Street Railway Company may, subject to the provisions of section one hundred and seven of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, increase its capital stock, in addition to any increase thereof which it may now or hereafter be authorized to make, by such amount of common and preferred capital stock not exceeding in the aggregate the amounts of the common and preferred capital stock of the Old Colony Street Railway Company issued and outstanding at the date of the said purchase, as shall be deemed by the board of railroad commissioners reasonably necessary for the purpose of acquiring the franchise and property of said last named corporation, and may issue and dispose of said additional stock as required by said agreement, and may exchange the same or any part thereof for the stock, or any part thereof, of the last named corporation, and may issue the same to the stockholders of said last named corporation in exchange for and on surrender of the certificates evidencing their shares of the capital stock of said last named corporation, upon such basis as shall be agreed to in the agreement of purchase between the two companies, and as shall be approved by said railroad commissioners. Said purchasing corporation may make any portion of its capital stock issued under authority hereof preferred stock, having the same preferences and voting powers and subject to the same restrictions and qualifications as have heretofore been fixed and determined by said corporation with respect to its preferred stock heretofore issued under authority of chapter four hundred and forty-one of the acts of the year nineteen hundred and two, or having such preferences, voting powers, and rights, and being subject to such qualifications and to such restrictions and limitations as may be prescribed in said agreement and approved by the railroad commissioners for both the exist-

ing and any additional preferred stock of said company; subject, however, to the right of dissenting holders of existing preferred stock to have their stock valued and purchased as provided in section three of this act. The issue of any preferred stock under authority hereof shall also be subject to the limitation that the aggregate amount thereof, together with the amount of preferred stock theretofore issued by said company, shall not exceed at any time the aggregate amount of its common stock issued and outstanding; but the amount of said company's preferred stock may from time to time, and subject to the limitation aforesaid, be increased by vote of two thirds in interest of its common stockholders, for any purposes for which said company may be authorized by law to issue capital stock, and by such amounts as the board of railroad commissioners may from time to time approve. Every certificate of preferred stock issued under authority hereof, and every certificate of common stock issued after the approval by said board of the terms of said purchase and sale shall contain a reference to the agreement of purchase and a brief description of the provisions therein contained which prescribe the preferences, voting powers and rights, and the qualifications thereof, and the other limitations and restrictions of said preferred stock. A copy of said agreement of purchase shall be filed and retained in the office of the board of railroad commissioners, and a copy shall be similarly filed in the office of the commissioner of corporations.

SECTION 3. Every stockholder of both the purchasing and selling corporation shall be deemed to assent to the terms of any purchasing agreement authorized by section one of this act, when approved by the board of railroad commissioners, unless, within thirty days after the date of such approval he shall file with the clerk of said board a writing, declaring his dissent from said terms and stating the number of shares held by him and the number of the certificate or certificates evidencing the same: *provided, however*, that as against any stockholder under any legal incapacity to act for himself and having no legal guardian, said period of thirty days shall not begin to run until the removal of such incapacity by the appointment of a legal guardian or otherwise. The shares of any stockholder so dissenting shall be acquired by the purchasing corporation, and shall be valued and the value thereof shall be paid or tendered to, or deposited for account of, such stockholder in the man-

Assent of
stockholders,
etc.

Proviso.

Assent of
stockholders,
etc.

ner following:— within sixty days after the filing by any stockholder as above provided of his dissent from the terms of such sale the purchasing corporation or the dissenting stockholder, shall file a petition with the supreme judicial court, sitting within and for any county in which said company operates any part of its railway, setting forth the material facts and praying that the value of such dissenting stockholder's shares may be determined. The petition may be removed, upon application by the dissenting stockholder, to the county in which he resides. Thereupon, after such notice to all parties concerned as it may deem proper, said court shall make an order requiring the dissenting stockholder's certificate or certificates of stock to be deposited with the clerk of said court, and shall appoint three commissioners to ascertain and report the value of the dissenting stockholder's shares on the day of the approval by the board of railroad commissioners of the terms of the purchasing agreement. Said report shall be made to the court as soon as practicable, and, after due notice to the parties in interest, shall be accepted by the court, unless before such acceptance either of the parties to said proceeding shall claim a trial by jury, in which case the court shall order the value of the shares to be tried and determined by a jury in the manner in which other civil cases are tried by said court. The said commissioners' report, or the verdict of the jury, when accepted by the court, shall be final and conclusive as to the value of the dissenting stockholders' shares, and the amount so ascertained as such value shall at once be paid or tendered to such stockholders; or, if such payment or tender be for any cause impracticable, shall be paid into court. Upon such payment or tender or deposit, the shares of the dissenting stockholders, and the certificate or certificates thereof shall become the property of the purchasing corporation, whose right and title thereto may be enforced by the court by any appropriate order or process. Exceptions may be taken to any ruling or order of said court, to be heard and determined by the full court as in other civil cases. And said court may make all such orders for the enforcement of the rights of any party to the proceedings, for the consolidation of two or more petitions and their reference to the same commissioners, for the consolidation of claims for a jury trial, and the trial of two or more cases by the same jury, and for the payment of interest upon the value of a stockholder's share as determined, and the pay-

ment of costs by one party to the other, as justice and equity and the speedy settlement of the matters in controversy may require.

SECTION 4. The Boston and Northern Street Railway Company, after the completion of the purchase authorized by section one of this act, may, as successor to the Old Colony Street Railway Company, issue from time to time the bonds, unissued at the date of such purchase, secured by the mortgage of July first, nineteen hundred and four, from said last named company to the Old Colony Trust Company, in the same manner and for the same purposes as such bonds under the terms of said mortgage and of the laws applicable thereto could have been issued by the Old Colony Street Railway Company, and said last named company may, prior to the completion of said purchase, and the Boston and Northern Street Railway Company may, at any time subsequent thereto, and from time to time, make a supplementary mortgage or mortgages of all or any parts of the franchise and property of, or acquired from, the Old Colony Street Railway Company or purchased in whole or in part with the proceeds of any of the bonds, as additional security for the bonds secured by the mortgage above mentioned. The Boston and Northern Street Railway Company may also make a similar supplementary or confirmatory mortgage or mortgages of all or any parts of its own franchise and property existing at or prior to the date of said purchase and of subsequent additional property acquired by it (other than that acquired from, or as additional to the property acquired from, the Old Colony Street Railway Company, or with the proceeds of bonds secured by said mortgage first above mentioned), to further secure the bonds, dated July first, nineteen hundred and four, issued or to be issued under a mortgage of said date by said Boston and Northern Street Railway Company to the Adams Trust Company as trustee, under which mortgage the American Trust Company is now the trustee, and may, subsequent to said purchase, issue from time to time, in the same manner and for the same purposes as if said purchase had not been made, the bonds unissued at the date of said purchase and secured by said mortgage last above referred to. If, at the date of the approval by the board of railroad commissioners of the terms of the purchase authorized by section one of this act said purchasing company was included in the last list of street railway companies certified and transmitted by said com-

May issue
bonds, etc.

missioners to the bank commissioner prior to the date of said approval, under the provisions of chapter five hundred and ninety of the acts of the year nineteen hundred and eight, and of the acts in amendment thereof and in addition thereto, said company shall continue to be entitled to be so certified, so long as it earns and appears from returns made by it to the board of railroad commissioners to have properly paid in each year thereafter dividends of at least five per cent upon all its outstanding capital stock; but such certification shall not apply to any bonds of the Old Colony Street Railway Company, or to any bonds issued by said purchasing company after the date of said approval except those to be issued under said mortgage last above referred to, until the certification and transmission by the railroad commissioners to the bank commissioner of such list next following the thirtieth day of June in the year nineteen hundred and thirteen. The record of any such supplementary mortgages or other instruments of further assurance in each registry of deeds in the district in which any of the railway or real property described in such supplementary mortgage is situated shall be sufficient for all purposes.

Same
subject.

SECTION 5. After the purchase authorized by this act, the Boston and Northern Street Railway Company, having first by appropriate action of a majority of its stockholders executed and filed with the proper trust company a termination of its right to issue any additional bonds under either or both of the mortgages referred to in the preceding section, under which there may remain any balance of bonds unissued may, for the purpose of paying, refunding, consolidating or retiring at or before their respective maturities, the whole or any part of the bonds and other funded indebtedness theretofore issued by it or by the Old Colony Street Railway Company, or by any company to the franchise and property of which either of said companies has succeeded by purchase or consolidation, all of which purchases and consolidations are hereby ratified and confirmed, and for any other lawful purposes under the laws of this commonwealth, and for any of said purposes, but subject to the provisions of section one hundred and seven of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, by vote of a majority in interest of its stockholders at a meeting called for the purpose, issue coupon or registered bonds payable within periods not exceeding fifty years from the date thereof, and bearing interest at a rate

not exceeding five per cent per annum, and may make a mortgage or pledge as security for the payment of such bonds, of any part or all of its railway, equipment, franchise, and real, personal and other property, including in whole or in part property thereafter to be acquired, upon such terms and containing such provisions as may by vote of the stockholders be approved, or as may be fixed and adopted by the directors under authority of a vote of the stockholders; and may in such mortgage provide for the future issue thereunder from time to time of additional bonds to be secured thereby equally with those originally issued thereunder, to such an aggregate amount as may by the said vote of its stockholders be determined: *provided, however*, that the aggregate amount of bonds at any time issued and outstanding thereunder, as a liability of said company, other than such bonds as may be deposited with a trust company as hereinafter provided for the purpose of paying, refunding, consolidating or retiring other bonds, or for providing means so to do shall not exceed, with the amount of any outstanding bonds issued by the said company or by any other company to the franchise and property of which said company shall have succeeded as aforesaid, the amount of the issued and outstanding capital stock of the company, determined as provided in chapter six hundred and twenty of the acts of the year nineteen hundred and eight; and *provided*, that any bonds, or the proceeds arising from the sale thereof, authorized or issued for the purpose of paying, refunding, consolidating or retiring other bonds, or funded indebtedness shall, to an amount equal at the par value thereof to the amount of such indebtedness so to be paid, refunded, consolidated or retired, be deposited with such trust company incorporated and doing business in this commonwealth, and under such terms as to the deposit and withdrawal thereof to be stated in said mortgage, as shall be approved by the board of railroad commissioners. All the provisions of sections forty-nine to fifty-six of Part II of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six shall apply to any bonds issued and any mortgages made hereunder, and no bond shall be issued until approved by some person or corporation appointed by the railway company for that purpose, who shall certify upon it that it is properly issued and recorded. The record, in the manner and within the time provided by law for the record of mortgages of real estate, of any mortgage made under authority of this section

Provisos.

Record to be sufficient to constitute a lien, etc.

and of any mortgage supplementary thereto, in the registry of deeds for each county and each district of any county in which any part of the railway or real property in said mortgage described is situated, shall be sufficient for all purposes to create a valid lien under said mortgage, both as a mortgage of real and personal property.

Approved April 22, 1911.

Chap.324 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF CERTAIN INDEPENDENT INDUSTRIAL SCHOOLS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for meeting the commonwealth's proportion of the cost of maintaining independent industrial schools in certain cities and towns for the period prior to July first, nineteen hundred and ten, under the authority of section five of chapter five hundred and five of the acts of the year nineteen hundred and six, as amended by chapter five hundred and forty of the acts of the year nineteen hundred and nine, to wit: —

- Beverly. To the city of Beverly, the sum of one thousand five hundred fifteen dollars and fifty-two cents.
- Boston. To the city of Boston, the sum of thirteen thousand five hundred twenty-three dollars and six cents.
- Brockton. To the city of Brockton, the sum of one thousand two hundred sixteen dollars and fifty-two cents.
- Cambridge. To the city of Cambridge, the sum of three thousand one hundred fifty-eight dollars and seventy cents.
- Chicopee. To the city of Chicopee, the sum of six hundred thirty dollars and eighty-two cents.
- Lawrence. To the city of Lawrence, the sum of seven thousand five hundred thirty-six dollars and four cents.
- Montague. To the town of Montague, the sum of two thousand two hundred three dollars and eighty-four cents.
- Natick. To the town of Natick, the sum of seventy-seven dollars and seventy cents.
- New Bedford. To the city of New Bedford, the sum of seven thousand eight hundred forty-six dollars and forty-five cents.
- Pittsfield. To the city of Pittsfield, the sum of two hundred eighty-six dollars and four cents.
- Taunton. To the city of Taunton, the sum of two hundred thirty-eight dollars and ninety cents.

To the town of Walpole, the sum of sixty-one dollars and seventy-three cents. Walpole.

To the city of Worcester, the sum of three thousand six hundred seventy dollars and forty-eight cents. Worcester.

For the period between July first and November thirty, nineteen hundred and ten, due the following cities and towns, to wit: —

To the city of Beverly, the sum of seven hundred eighty-six dollars and seventeen cents. Beverly.

To the city of Boston, the sum of four thousand three hundred ten dollars and ninety-one cents. Boston.

To the city of Brockton, the sum of three hundred fifty-three dollars and ninety-six cents. Brockton.

To the city of Cambridge, the sum of one thousand nineteen dollars and fifty-six cents. Cambridge.

To the city of Chicopee, the sum of four hundred fifty-six dollars and eighty-four cents. Chicopee.

To the city of Lawrence, the sum of three thousand three hundred ninety-four dollars and sixty-eight cents. Lawrence.

To the town of Montague, the sum of eight hundred thirty-eight dollars and ten cents. Montague.

To the city of New Bedford, the sum of three thousand one hundred sixteen dollars and fifty-nine cents. New Bedford.

To the city of Taunton, the sum of two hundred thirteen dollars and eighty-seven cents. Taunton.

To the city of Worcester, the sum of three thousand nine hundred fifty-four dollars and thirty-six cents. Worcester.

For one half the tuition of pupils attending the Boston Trade School for Girls during the school year nineteen hundred and nine to nineteen hundred and ten, due the following cities and towns, to wit: — Boston Trade School for Girls.

To the town of Belmont, the sum of eighteen dollars and fourteen cents. Belmont.

To the town of Brookline, the sum of forty-two dollars and fourteen cents. Brookline.

To the city of Cambridge, the sum of two hundred seventy-five dollars and forty-nine cents. Cambridge.

To the town of Dedham, the sum of fifty-four dollars and ninety-four cents. Dedham.

To the city of Everett, the sum of sixty-seven dollars and eighty-seven cents. Everett.

To the town of Hudson, the sum of six dollars. Hudson.

To the city of Lynn, the sum of thirty-eight dollars and fourteen cents. Lynn.

Malden.	To the city of Malden, the sum of twenty-one dollars and thirty-four cents.
Melrose.	To the city of Melrose, the sum of thirty-eight dollars and fourteen cents.
Milton.	To the town of Milton, the sum of eight dollars and eighty cents.
Newton.	To the city of Newton, the sum of thirty-eight dollars and fourteen cents.
Quincy.	To the city of Quincy, the sum of seventeen dollars and forty-seven cents.
Sharon.	To the town of Sharon, the sum of sixty-four dollars and twenty-seven cents.
Somerville.	To the city of Somerville, the sum of two hundred twenty-three dollars and five cents.
Wakefield.	To the town of Wakefield, the sum of thirty-eight dollars and fourteen cents.
Westwood.	To the town of Westwood, the sum of twenty-nine dollars and forty-seven cents.
Winchester.	To the town of Winchester, the sum of two dollars.
Lawrence Industrial School.	For one half the tuition of pupils attending the Lawrence Industrial School during the school year nineteen hundred and nine to nineteen hundred and ten, due the following city and towns, to wit: —
Andover.	To the town of Andover, the sum of thirty-seven dollars and fifty cents.
Dracut.	To the town of Dracut, the sum of fifteen dollars.
Haverhill.	To the city of Haverhill, the sum of one hundred and ninety-five dollars.
Methuen.	To the town of Methuen, the sum of four hundred and fifty dollars.
North Andover.	To the town of North Andover, the sum of three hundred and fifty dollars.
North Reading.	To the town of North Reading, the sum of thirty-three dollars and seventy-five cents.
Montague Agricultural high school.	For one half the tuition of pupils attending the Montague Agricultural high school during the school year nineteen hundred and nine to nineteen hundred and ten, due the following towns, to wit: —
Erving.	To the town of Erving, the sum of thirty dollars.
Leverett.	To the town of Leverett, the sum of one hundred forty-two dollars and fifty cents.
Sunderland.	To the town of Sunderland, the sum of one hundred and eleven dollars.
Wendell.	To the town of Wendell, the sum of thirty dollars.

For one half the tuition of pupils attending the New Bedford Industrial School during the school year nineteen hundred and nine to nineteen hundred and ten, due the following towns, to wit: —

To the town of Fairhaven, the sum of sixty-seven dollars and fifty cents. Fairhaven.

To the town of Marion, the sum of seventeen dollars and fifty cents. Marion.

To the town of Rochester, the sum of sixty-seven dollars and fifty cents. Rochester.

For one half the tuition of pupils attending the Smith Agricultural School during the school year nineteen hundred and nine to nineteen hundred and ten, due the following towns, to wit: —

To the town of Adams, the sum of fifty dollars. Adams.

To the town of Amherst, the sum of two hundred dollars. Amherst.

To the town of Ashfield, the sum of fifty dollars. Ashfield.

To the town of Charlemont, the sum of fifty dollars. Charlemont.

To the town of Chester, the sum of fifty dollars. Chester.

To the town of Chesterfield, the sum of fifty dollars. Chesterfield.

To the town of Deerfield, the sum of seventy dollars. Deerfield.

To the town of Greenfield, the sum of seventeen dollars and fifty cents. Greenfield.

To the town of Hadley, the sum of eighty-five dollars. Hadley.

To the town of Hatfield, the sum of one hundred sixty-seven dollars and fifty cents. Hatfield.

To the town of Plainfield, the sum of seventeen dollars and fifty cents. Plainfield.

To the town of Southwick, the sum of sixty-seven dollars and fifty cents. Southwick.

To the town of Westhampton, the sum of three hundred five dollars and seventy-two cents. Westhampton.

To the town of Whately, the sum of fifty dollars. Whately.

To the town of Williamsburg, the sum of one hundred two dollars and fifty cents. Williamsburg.

For one half the tuition of pupils attending the Worcester Trade School during the school year nineteen hundred and nine to nineteen hundred and ten, due the following towns, to wit: —

To the town of Leicester, the sum of eleven dollars and twenty-five cents. Leicester.

To the town of Paxton, the sum of thirty-nine dollars and thirty-eight cents. Paxton.

Shrewsbury.

To the town of Shrewsbury, the sum of eleven dollars and twenty-five cents.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1911.

Chap.325 AN ACT TO PROVIDE FOR THE GIVING OF BONDS IN BLASTING OPERATIONS.

Be it enacted, etc., as follows:

Giving of
bonds in
blasting op-
erations.

SECTION 1. Before the issue of a permit to use an explosive in the blasting of rock or any other substance as prescribed by the detective and fire inspection department of the district police, the applicant for the permit shall file with the clerk of the city or town in which the blasting is to be done, a bond running to the city or town with a surety or sureties approved by the treasurer thereof, for such penal sum not exceeding ten thousand dollars as the chief of the district police or the official granting the permit shall determine to be necessary in order to cover the risk or damage that might ensue from the blasting. The bond shall be conditioned upon the payment of any loss, damage or injury resulting to persons or property by reason of the use or keeping of said explosive.

Action on
bond.

SECTION 2. Action on a bond filed under the provisions of this act may be brought by any persons to whom loss, damage or injury has resulted by reason of the use or keeping of said explosive, and shall be brought in the names of and for the use and at the cost and expense of such persons, but in no event shall action be brought on the bond for injury to the person of an employee of the person receiving the permit. If claims on any bond are established to an amount greater than the penal sum thereof, such claims shall be paid pro rata to the amount of the penal sum, and executions shall issue accordingly.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1911.

Chap.326 AN ACT TO CHANGE THE MEDICAL DEPARTMENT OF THE MILITIA SO AS TO CONFORM WITH THE REQUIREMENTS OF THE UNITED STATES GOVERNMENT.

Be it enacted, etc., as follows:

1908, 604,
§ 20, etc.,
amended.

SECTION 1. Section twenty of chapter six hundred and four of the acts of the year nineteen hundred and eight, as

amended by chapter two hundred and twenty-eight of the acts of the year nineteen hundred and ten, is hereby further amended in the clause headed "The medical department shall consist of", by striking out after the words "brigadier general", in the second line, the remainder of that clause and all of the following clause, and inserting in place thereof the following: —

A medical corps consisting of: —

Medical
corps.

- 11 majors;
- 10 captains;
- 23 first lieutenants.

A hospital corps consisting of: —

Hospital
corps.

- 8 sergeants (first class);
- 26 sergeants;
- 72 privates (first class);
- 60 privates, — so that the clause will read as

follows:—

The medical department shall consist of: —

Medical
department.

(a) 1 surgeon general with the rank of brigadier general.

(b) A medical corps consisting of: —

- 11 majors;
- 10 captains;
- 23 first lieutenants.

(c) A hospital corps consisting of: —

Hospital
corps.

- 8 sergeants (first class);
- 26 sergeants;
- 72 privates (first class);
- 60 privates.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1911.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF COLRAIN AND LEYDEN. Chap.327

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Colrain and Leyden: — Beginning at a granite monument standing about four hundred feet east of Green river at the present corner of the towns of Colrain and Leyden, in Massachusetts, and the town of Guilford in Vermont, in latitude forty-two degrees, forty-three minutes, fifty-eight and seventy-nine hundredths seconds north, and longitude seventy-two degrees, forty minutes, thirty and sixty hundredths seconds

Boundary
line between
the towns of
Colrain and
Leyden.

west; thence south eight degrees, twenty-one minutes, thirty seconds east, true bearing, about thirty-eight hundred and twenty feet to a point on the westerly bank of Green river; thence in a general southerly and easterly direction, following the westerly bank of Green river, about forty thousand feet to its intersection with the northerly boundary line of the town of Greenfield at a point north eighty-one degrees nine minutes east, true bearing, and about twenty-five feet distant from a stone monument in latitude forty-two degrees, thirty-eight minutes, forty-eight and eighty-nine hundredths seconds north, and longitude seventy-two degrees, thirty-seven minutes, sixteen and ninety hundredths seconds west, standing on the westerly bank of the river about two hundred and ten feet northwest of the bridge over the river near the memorial monument to Mrs. Williams.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1911.

Chap.328 AN ACT RELATIVE TO THE SALE OF KOSHER MEAT ON THE LORD'S DAY.

Be it enacted, etc., as follows:

R. L. 98, § 3,
etc.,
amended.

SECTION 1. Section three of chapter ninety-eight of the Revised Laws, as amended by chapter four hundred and fourteen of the acts of the year nineteen hundred and two, by chapter one hundred and twenty-six of the acts of the year nineteen hundred and eight, and by chapter two hundred and seventy-three of the acts of the year nineteen hundred and eight, is hereby further amended by inserting after the word "them", in the twenty-ninth line, the following: — nor the selling of kosher meat by any person who, according to his religious belief, observes Saturday as the Lord's day by closing his place of business during the day until six o'clock in the evening; and such person may open his place of business on the Lord's day for the sale of kosher meat between the hours of six o'clock in the morning and ten o'clock in the morning, — so as to read as follows: — *Section 3.* The provisions of the preceding section shall not be held to prohibit the manufacture and distribution of steam, gas or electricity for illuminating purposes, heat or motive power, nor the distribution of water for fire or domestic purposes, nor the use of the telegraph or the telephone, nor the retail sale of drugs and medicines, nor articles ordered

Certain
business not
prohibited.

by the prescription of a physician or mechanical appliances used by physicians or surgeons, nor the retail sale of tobacco in any of its forms by licensed innholders, common victuallers, druggists and newsdealers whose stores are open for the sale of newspapers every day in the week, nor the retail sale of ice cream, soda water and confectionery by licensed innholders and druggists, and by such licensed common victuallers as are not also licensed to sell intoxicating liquors and who are authorized to keep open their places of business on the Lord's day, nor the letting of horses and carriages or of yachts and boats, nor unpaid work on yachts and pleasure boats, nor the running of steam ferry boats on established routes, nor the running of street railway cars, nor the preparation, printing and publication of newspapers, nor the sale and delivery of newspapers, nor the wholesale or retail sale and delivery of milk, nor the transportation of milk, nor the making of butter and cheese, nor the keeping open of public bath houses, nor the making or selling by bakers or their employees, before ten o'clock in the morning and between the hours of four o'clock and half past six o'clock in the evening, of bread or other food usually dealt in by them, nor the selling of kosher meat by any person who, according to his religious belief, observes Saturday as the Lord's day by closing his place of business during the day until six o'clock in the evening; and such person may open his place of business on the Lord's day for the sale of kosher meat between the hours of six o'clock in the morning and ten o'clock in the morning, nor the carrying on of the business of bootblacks before eleven o'clock in the forenoon, nor the digging of clams or the icing and dressing of fish.

Certain business not prohibited.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1911.

AN ACT TO PROVIDE FOR THE EXAMINATION OF CORPORATIONS AND OTHER ORGANIZATIONS HAVING CERTAIN FINANCIAL RELATIONS WITH INSURANCE COMPANIES.

Chap. 329

Be it enacted, etc., as follows:

Section six of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven is hereby amended by adding at the end thereof the following: — If it shall appear upon examination that any insurance company has entered into an agreement with a corporation,

1907, 576,
§ 6, amended.
Reinsurance.

Reinsurance.

domestic or foreign, or other organization whereby such corporation or organization has undertaken except by reinsurance to be responsible for the whole or any part of the expenses, liabilities or other obligations appertaining to the transaction of business by such insurance company for the consideration that such insurance company shall become liable to such corporation or organization for a part of said insurance company's income, assets or profits, the insurance commissioner may at his discretion examine or cause to be examined such corporation or organization and may thoroughly investigate its affairs to ascertain its financial condition, its ability to fulfil its obligations to the insurance company and any other facts relating to its business methods and management, and shall set forth in a report his findings so far as they affect the financial condition of the insurance company, which report shall be a public record. The person authorized by the insurance commissioner to make such examination shall have free access to all the assets of the corporation or other organization for the purpose of verification and to all the books and papers which relate to its business and to the books and papers of its representatives.

Investigation of charges.

If it shall appear to the insurance commissioner from charges filed with him setting forth the facts under oath that unwarranted and misleading statements, estimates and promises are being made and excessive compensation allowed for promoting the sale in this commonwealth of stock for establishing new insurance companies, domestic or foreign, the commissioner shall investigate said charges, or may act on his own initiative in making such investigations, and shall make a record in his department of his findings in relation thereto.

May summon and examine witnesses, etc.

The insurance commissioner or the person authorized by the insurance commissioner to make the examinations or investigations provided for by this act may summon and examine under oath any person who, he believes, has knowledge of the affairs, transactions or circumstances which are being investigated; and whoever, without justifiable cause, neglects upon due summons to appear and testify before the insurance commissioner or his authorized representative, and whoever obstructs said commissioner or said representative in making investigations hereunder, shall be punished by a fine not exceeding one thousand dollars or by imprisonment for not more than one year.

Approved April 24, 1911.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF NORTH BROOKFIELD AND NEW BRAINTREE. *Chap.330*

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of North Brookfield and New Braintree: — Beginning at a granite monument standing in latitude forty-two degrees, eighteen minutes, thirty-one and forty-eight hundredths seconds north, and longitude seventy-two degrees, two minutes, twenty-nine and ninety hundredths seconds west, at the corner of the towns of New Braintree, North Brookfield, Oakham and Spencer; thence south eighty-three degrees, thirty-one minutes west, true bearing, twenty thousand seven hundred and seventy-two feet to a granite monument standing about two hundred feet west of a road leading northerly to New Braintree and at an angle in the present boundary line; thence south thirty-six degrees, fifty-one minutes west, true bearing, five thousand four hundred and sixty-two feet to a granite monument standing about thirty feet south of a highway at an angle in the present boundary line; thence south twenty-three degrees, two minutes west, true bearing, three thousand six hundred and six feet to a granite monument standing in the line between New Braintree and West Brookfield, on the easterly side of the road leading from New Braintree to West Brookfield, and in latitude forty-two degrees, sixteen minutes, fifty-two and thirty hundredths seconds north, and longitude seventy-two degrees, eight minutes, six and ninety hundredths seconds west.

Boundary line between the towns of North Brookfield and New Braintree.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1911.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF NORTH BROOKFIELD AND WEST BROOKFIELD. *Chap.331*

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of North Brookfield and West Brookfield: — Beginning at a granite monument standing in the line between New Braintree and West Brookfield, on the easterly side of the road leading from New Braintree to West Brookfield, and in latitude forty-two degrees, sixteen minutes, fifty-two and thirty hundredths seconds north, and longitude seventy-two degrees, eight

Boundary line between the towns of North Brookfield and West Brookfield.

Boundary
line between
the towns of
North Brook-
field and West
Brookfield.

minutes, six and ninety hundredths seconds west; thence south seventy-nine degrees, forty-eight minutes east, true bearing, four thousand seven hundred and ninety-one feet to a granite monument standing on a wooded hill at an angle in the present boundary line; thence south twenty degrees, twenty-three minutes west, true bearing, five thousand nine hundred and sixty-five feet to a point at a junction of walls about five hundred and twenty-five feet east of the Wigwam road, so-called; thence south thirty-eight degrees, nineteen minutes east, true bearing, five thousand one hundred and twenty-nine feet to a point three feet south of a wall and about five hundred and seventy feet southeasterly from a granite monument standing in the present boundary line, on the southerly side of the road leading from North Brookfield to West Brookfield; thence south seventeen degrees, twenty-seven minutes west, true bearing, three thousand six hundred and ninety-one feet to a granite monument standing at an angle in the present boundary line, on the southerly side of a road leading to West Brookfield; thence south forty-seven degrees, twenty-four minutes east, true bearing, two thousand two hundred and fifty-five feet to a granite monument standing in latitude forty-two degrees, fourteen minutes, nineteen and six hundredths seconds and longitude seventy-two degrees, six minutes, forty-two and eighteen hundredths seconds at the corner of the towns of Brookfield, North Brookfield and West Brookfield, as established by chapter two hundred and forty of the acts of the year nineteen hundred and ten.

SECTION 2. This act shall take effect upon its passage.
Approved April 24, 1911.

Chap.332 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF NEW BRAINTREE AND WEST BROOKFIELD.

Be it enacted, etc., as follows:

Boundary
line between
the towns of
New Brain-
tree and West
Brookfield.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of New Braintree and West Brookfield: — Beginning at a granite monument standing in the line between New Braintree and West Brookfield, on the easterly side of the road leading from New Braintree to West Brookfield, and in latitude forty-two degrees, sixteen minutes, fifty-two and thirty hundredths seconds north, and longitude seventy-two degrees, eight minutes, six and ninety hundredths seconds west; thence

south sixty-three degrees, forty-seven minutes west, true bearing, three thousand two hundred and ninety feet to a boulder standing on the easterly slope of a wooded hill at an angle in the present boundary line; thence north two degrees, fourteen minutes east, true bearing, five thousand one hundred and twenty-nine feet to a granite monument standing at a junction of walls one thousand three hundred and fifty feet southeasterly from E. F. Pierce's dwelling, at an angle in the present boundary line; thence south seventy-six degrees, fifty-five minutes west, true bearing, four thousand six hundred and nine feet to a granite monument standing on the steep, eastern slope of a wooded hill at an angle in the present boundary line; thence north two degrees, twenty-two minutes west, true bearing, one thousand two hundred and eighty-four feet to a granite monument standing in a fence on the easterly slope of a wooded hill at an angle in the present boundary line; thence south eighty-seven degrees, thirty-six minutes west, true bearing, eight hundred and fourteen feet to a granite monument standing at the north end of a wall at an angle in the present boundary line; thence south no degrees, twenty-three minutes east, true bearing, one hundred and fifty-six feet to a granite monument standing near the south end of a wall at an angle in the present boundary line; thence north eighty-seven degrees, forty-seven minutes west, true bearing, one thousand five hundred and seventy-one feet to a granite monument standing on the easterly side of a highway at an angle in the present boundary line; thence northerly following the easterly side of the highway about nine hundred and thirty-eight feet to a granite monument standing at an angle in the present boundary line; thence north fifteen degrees, seventeen minutes east, true bearing, one thousand four hundred and forty-two feet to a granite monument standing in a pasture on the northerly side of a wall at an angle in the present boundary line; thence south eighty-three degrees, forty-eight minutes west, true bearing, eleven thousand three hundred and sixty-three feet to a granite boulder in latitude forty-two degrees, seventeen minutes, forty and twenty-nine hundredths seconds and longitude seventy-two degrees, twelve minutes, forty and fifty-four hundredths seconds at the corner of the towns of New Braintree, Ware and West Brookfield.

Boundary line between the towns of New Braintree and West Brookfield.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1911.

Chap.333 AN ACT RELATIVE TO TAXATION FOR THE IMPROVEMENT OF
STREETS IN THE CITY OF LYNN.

Be it enacted, etc., as follows:

1907, 270,
§ 1, amended.

SECTION 1. Section one of chapter two hundred and seventy of the acts of the year nineteen hundred and seven is hereby amended by striking out the word "and", after the word "ten", in the ninth line, and inserting after the word "eleven", in the tenth line, the words: — nineteen hundred and twelve, nineteen hundred and thirteen, nineteen hundred and fourteen, nineteen hundred and fifteen and nineteen hundred and sixteen, — so as to read as follows: — *Section 1.* The tax assessed on property in the city of Lynn, exclusive of the state tax, county tax and sums required by law to be raised on account of the city debt, shall not exceed, on every one thousand dollars of the assessors' valuation of the taxable property therein for the preceding year, twelve dollars and fifty cents in the year nineteen hundred and seven, thirteen dollars in the years nineteen hundred and eight, nineteen hundred and nine, nineteen hundred and ten, nineteen hundred and eleven, nineteen hundred and twelve, nineteen hundred and thirteen, nineteen hundred and fourteen, nineteen hundred and fifteen and nineteen hundred and sixteen; the said valuation being first reduced by the amount of all abatements thereon previous to the thirty-first day of December in the year preceding said assessments, subject to all the provisions contained in section fifty-four of chapter twelve of the Revised Laws.

Taxation for
improvement
of streets in
the city of
Lynn.

1907, 270,
§ 2, amended.

SECTION 2. Section two of said chapter two hundred and seventy is hereby amended by adding at the end thereof the words: — Not more than one third of said excess shall be used for sidewalk construction, — so as to read as follows: — *Section 2.* All sums raised by taxation under the provisions of section one of this act in excess of twelve dollars on every one thousand dollars of the assessors' valuation of the taxable property in the said city for the preceding year shall be used for new pavement for streets and sidewalks; but no part of the money so received in excess of twelve dollars on every one thousand dollars of the assessors' valuation of the taxable property in said city for the preceding year shall be used for repair work, or replacing old paving, or macadam work. Not more than one third of said excess shall be used for sidewalk construction.

Certain pro-
portion of
tax to be
used for pave-
ments, etc.

Approved April 24, 1911.

AN ACT RELATIVE TO TRANSFERS AND REMOVALS BY THE STATE BOARD OF INSANITY OF INMATES OF CERTAIN INSTITUTIONS. Chap. 334

Be it enacted, etc., as follows:

SECTION 1. Section sixty-nine of chapter five hundred and four of the acts of the year nineteen hundred and nine is hereby amended by inserting after the word "belong", in the nineteenth line, the following: — *provided, however,* that no person born outside of the jurisdiction of the United States shall be removed outside of said jurisdiction if he has been a resident of Massachusetts for five years immediately preceding his commitment or admission to any institution under the supervision of the board and has not been confined in a penal institution within said five years, — so as to read as follows: — *Section 69.* The state board of insanity may, subject to the provisions of section seventy, transfer to and from any institution or receptacle under its supervision, any inmate thereof who, in the opinion of the board is a proper subject for admission to the institution or receptacle to which he is to be transferred: *provided,* that no such inmate shall be transferred to be detained as an insane person unless he shall have been duly committed as insane by a judge or court; and *provided, further,* that no person shall so be transferred to the Bridgewater state hospital unless he has been a criminal and vicious in his life. A record of such transfer shall be entered in the registers of the institutions to and from which he is transferred. The commitment papers, together with an abstract of his hospital case-record, shall be transmitted with him to the institution to which he is transferred. The board may also remove any pauper inmates of institutions under its supervision who are not subject to the orders of a court to any country, state or place where they belong: *provided, however,* that no person born outside of the jurisdiction of the United States shall be removed outside of said jurisdiction if he has been a resident of Massachusetts for five years immediately preceding his commitment or admission to any institution under the supervision of the board and has not been confined in a penal institution within said five years. In making such transfers and removals the board shall, so far as is practicable, employ nurses or attendants instead of officers of the law, and shall employ female nurses or attendants to accompany female patients.

1909, 504,
§ 69,
amended.

Transfers by
state board of
insanity.

Provisos.

Removal of
pauper in-
mates.

SECTION 2. Nothing in this act shall be construed to prevent the removal of any such pauper inmate to the country, state or place where he belongs, upon the written request of such inmate, his relatives or friends.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1911.

Chap.335 AN ACT TO AUTHORIZE THE TOWN OF STONEHAM TO BORROW MONEY FOR SEWERAGE PURPOSES.

Be it enacted, etc., as follows:

Stoneham
Sewer Loan,
Act of 1911.

SECTION 1. The town of Stoneham for the purposes mentioned in chapter two hundred and twelve of the acts of the year eighteen hundred and ninety-six, is hereby authorized to borrow a sum not exceeding ten thousand dollars, and to issue therefor bonds to be denominated on the face thereof, Stoneham Sewer Loan, Act of 1911. Such bonds shall bear interest at a rate not exceeding four per cent per annum and shall be signed by the treasurer of the town and countersigned by the board of public works. Of the sum so borrowed five thousand dollars shall be payable in the year nineteen hundred and twenty-nine and five thousand dollars in the year nineteen hundred and thirty, and said amounts shall be raised by taxation in the said years respectively, in the same manner in which other taxes are assessed and collected.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1911.

Chap.336 AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO SUPPLY WATER TO THE INHABITANTS OF THE TOWN OF RAYNHAM.

Be it enacted, etc., as follows:

The city of
Taunton may
supply water
to the town
of Raynham.

SECTION 1. The city of Taunton may supply the inhabitants of the town of Raynham with water for the extinguishment of fires and for domestic and other purposes, and may construct and lay conduits, pipes and other works, under or over any lands, water courses, railroads, railways and public or private ways, and along any such ways in the town of Raynham in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all purposes of this act, the city of Taunton may enter upon

and dig up any such lands and ways: *provided, however, that* Proviso.
the said city shall not enter upon or dig up any public ways in the town of Raynham, except with the consent of the selectmen thereof; and the city of Taunton shall restore to the satisfaction of the selectmen of the town of Raynham the public ways dug up or otherwise disturbed in said town, and shall pay all damages to property sustained by any person or corporation by any act or neglect of the city of Taunton, its agents or employees, in digging up, entering upon or otherwise disturbing any lands, or public or private ways within said town, or by any other thing done by said city under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, and failing to agree with said city as to the amount thereof, may have them determined in the manner provided by law in the case of land taken for the laying out of highways, on making application at any time within two years after the taking of any property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said two years.

SECTION 2. The city of Taunton may distribute water through the town of Raynham or any part thereof, and may regulate the use of such water and fix and collect rates for the use of the same; and the town of Raynham may make such contracts with the city of Taunton for water for extinguishing fires and for other purposes as may be agreed upon between said town and the city of Taunton; and the said city may establish and maintain fountains and hydrants in the said town and may relocate or discontinue the same. Distribution of water, etc.

SECTION 3. Said town shall raise annually, in the manner provided in the following section, a sum sufficient to pay the city of Taunton such annual sums as shall be stipulated by said city in the contract between said city and town, for hydrant rentals or for water for extinguishing fires and other purposes as provided in section two. Payments to the city of Taunton.

SECTION 4. The assessors of said town shall annually, in accordance with the preceding section, assess a separate tax equal to the amount provided for in the above section, justly and equitably, in proportion to the particular benefits to each estate, upon all taxable property contained within zones or belts extending one thousand feet on each side from the centre of any public, private or other way in which pipes or other structures for the conveyance of water have been laid, and are in use under the provisions of this act, Assessment of tax, etc.

so that said zones shall be two thousand feet wide, and in length the said zones shall extend along the said ways respectively to a point five hundred feet beyond the last hydrant or other fixture on any such way from which water can be drawn for extinguishing fires. Any person or corporation aggrieved by reason of the refusal of the assessors to abate a tax levied under this act shall have the same right of appeal to the county commissioners or to the superior court for an abatement which now exists for any town tax. The tax above provided for shall be collected in the same manner in which town taxes are collected.

Town may acquire certain property, etc.

SECTION 5. The town shall have the right at any time after it shall have been authorized to supply itself and its inhabitants with water, and shall have voted so to do, to take or acquire by purchase or otherwise the property and all the rights and privileges of the city within said town, on payment to the city of the actual cost of its works and property of all kinds held under the provisions of this act at the time of such purchase or taking. The city shall keep a separate account of the cost and construction expenses of its plant within the town, which account shall be open to the selectmen or to any committee appointed for the purpose by the town. In case the town shall have voted to supply with water that part of the town which is supplied by said city it shall purchase said works, property, rights and privileges. If said town cannot agree with said city upon the amount of the actual cost thereof upon the basis hereinbefore specified, then, upon a bill in equity brought either by the city or by the town, the supreme judicial court shall ascertain and fix said total actual cost upon the basis hereinbefore specified, and shall enforce the right of the town to take possession of said property, rights and privileges, upon the payment of the cost as aforesaid to the city, and shall enforce the obligation of the town to purchase said property, rights and privileges and to pay said city the cost thereof as so ascertained.

Time of taking effect.

SECTION 6. This act shall take effect upon its passage, but shall become void unless the city of Taunton shall begin to distribute water through its pipes to consumers in the town of Raynham within three years after the passage of this act.

Approved April 24, 1911.

AN ACT RELATIVE TO THE TAXATION OF DEPOSITS IN THE SAVINGS DEPARTMENTS OF TRUST COMPANIES. *Chap.337*

Be it enacted, etc., as follows:

SECTION 1. The tax imposed by section one of chapter three hundred and forty-two of the acts of the year nineteen hundred and nine shall apply only to such of the deposits therein designated as do not exceed in amount the limits imposed upon deposits in savings banks by section forty-six of chapter five hundred and ninety of the acts of the year nineteen hundred and eight and acts in amendment thereof and in addition thereto.

Taxation of deposits in savings departments of trust companies.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1911.

AN ACT RELATIVE TO RETIREMENT SYSTEMS FOR THE PAYMENT OF ANNUITIES AND PENSIONS TO EMPLOYEES OF CITIES AND TOWNS. *Chap.338*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter six hundred and nineteen of the acts of the year nineteen hundred and ten is hereby amended by inserting after the paragraph marked (e) the following paragraph: — (f) The word “employees” means only regular and permanent employees whose only or principal employment is in the service of the city or town, — and by striking out the letter “(f)”, in the seventeenth line, and inserting in place thereof the letter: — (g), — so as to read as follows: — *Section 1.* In this act, unless the context otherwise requires: —

1910, 619, § 1, amended.

(a) The words “city council” mean the legislative branch of the city government, whether consisting of one chamber or two.

(b) The words “retirement system” mean the arrangements provided in this act for the payment of annuities and pensions.

(c) The word “annuities” means the payments for life derived from money contributed by the employees.

(d) The word “pensions” means the payments for life derived from money contributed by the city or town.

(e) The words “regular interest” mean interest at three per cent per annum compounded semi-annually on the last

Certain words and terms defined.

days of January and July, and reckoned for full three and six months periods only.

(f) The word “employees” means only regular and permanent employees whose only or principal employment is in the service of the city or town.

(g) The words “continuous service” mean uninterrupted employment, with this exception: a lay-off on account of illness or reduction of force; and a leave of absence, suspension or dismissal followed by reinstatement within one year, shall not be considered as breaking the continuity of service.

SECTION 2. Section two of said chapter six hundred and nineteen is hereby amended by inserting before the words “be accepted”, in the twelfth line, the words: — as amended, — so as to read as follows: — ESTABLISHMENT OF RETIREMENT SYSTEM. *Section 2.* Any city or town in this common-

wealth may establish a retirement system for its employees by accepting the provisions of this act in the following manner: In the case of a city, whenever a vote to accept the provisions of the act shall have duly been passed by the city council, the question of acceptance shall then be submitted to the voters of the city at the next municipal election. The vote shall be in answer to the question, placed upon the ballot: “Shall an act passed by the general court in the year nineteen hundred and ten, entitled ‘An Act authorizing the cities and towns of the commonwealth to establish retirement systems for their employees’, as amended, be accepted?” In the case of a town, whenever a vote to accept the provisions of the act shall have duly been passed by the board of selectmen, the question of acceptance shall then be submitted to the voters of the town at the next town meeting. If a majority of the voters voting on the question at the city election or at the town meeting shall vote in the affirmative, this act shall take effect in such city or town as hereinafter provided.

A copy of the vote of the city council or of the board of selectmen, certified by the city clerk or by the town clerk, and a copy of the vote at the city election or at the town meeting, sworn to by the local election commissioners or the officers corresponding thereto, shall, within thirty days respectively after the date of the latter vote, be filed in the office of the insurance commissioner. The latter shall forthwith issue a certificate that the retirement system is declared established in said city or town, to become operative on the first day of February or the first day of August following the expiration of three months after the date of such certificate.

1910, 619,
§ 2, amended.

Cities and towns may establish retirement systems for employees, etc.

Copy of vote establishing system to be filed with the insurance commissioner.

SECTION 3. Section three of said chapter six hundred and nineteen is hereby amended by striking out the word “sixty”, in the fourth line of paragraph (1), and inserting in place thereof the word: — thirty, — by inserting after the words “board of retirement”, in the fourth line of paragraph (4), the words: — upon recommendation of the head of the department in which the member is employed, — by striking out the words “so retire”, at the end of paragraph (4), and inserting in place thereof the words: — be retired, irrespective of such recommendation, — and by inserting after the words “board of retirement”, in paragraph (5), the words: — upon recommendation of the head of the department in which the member is employed, — so as to read as follows: — THE RETIREMENT ASSOCIATION. *Section 3.* When-
1910, 619,
§ 3, amended.
Organization,
etc.

(1) All employees of the city or town, on the date when the retirement system is declared established by the issue of the certificate, as provided in section two, may become members of the association. On the expiration of thirty days from said date every such employee shall be considered to have elected to become, and shall thereby become, a member, unless he shall have, within that period, sent notice in writing to the local election commissioners or the officers corresponding thereto that he does not wish to join the association.

(2) All employees who enter the service of the city or town after the date when the retirement system is declared established by the issue of the certificate, as provided in section two, except persons who have passed the age of fifty-five years, shall upon completing thirty days of service become thereby members of the association. Persons over fifty-five years of age who enter the service of the city or town after the establishment of the retirement system shall not be allowed to become members of the association, and no such employee shall remain in the service of the city or town after reaching the age of seventy years.

(3) No officer elected by popular vote may become a member of the association, nor any employee who is or will be entitled to a pension from the city or town for any reason other than membership in the association.

(4) Any member who reaches the age of sixty years and who has been in the continuous service of the city or town for a period of fifteen years immediately preceding may retire

or may be retired by the board of retirement, upon recommendation of the head of the department in which the member is employed, and any member who reaches the age of seventy must be retired, irrespective of such recommendation.

(5) Any member who has completed a period of thirty-five years of continuous service may retire, or may be retired at any age by the board of retirement upon recommendation of the head of the department in which the member is employed if such action be deemed advisable for the good of the service.

1910, 619,
§ 4, amended.

SECTION 4. Section four of said chapter six hundred and nineteen is hereby amended by striking out the word "thirty", in the fifth line of paragraph (1), and inserting in place thereof the word: — sixty, — by adding to paragraph (2) the following: — All claims for reimbursement on this account shall be subject to the approval of the city council or the board of selectmen, — by adding to paragraph (4) the words: — subject to the approval of the city council or the board of selectmen, — and by inserting after the words "under section five, (2) A", in the second and third lines of paragraph (6) A, the words: — and (3), — and by striking out the words "as defined in section five, (2) B (b)", in the second and third lines of paragraph (6) G, — so as to read as follows: —

Board of
retirement.

THE BOARD OF RETIREMENT. *Section 4.* (1) The management of the retirement system is hereby vested in the board of retirement, consisting of three members, one of whom shall be the city or town treasurer; the second member shall be a member of the association elected by the latter within sixty days after the date when the retirement system is declared established by the issue of the certificate, as provided by section two, in a manner to be determined by the local election commissioners or the officers corresponding thereto; the third member shall be chosen by the other two members. In case of the failure of the latter to choose the third member within thirty days after the election of the second member, the mayor or the chairman of the board of selectmen shall appoint such third member. The first person so chosen or appointed as third member shall serve for two years; otherwise and thereafter the term of office of the two elected members shall be three years. On a vacancy occurring in the board for any cause or on the expiration of the term of office of any member, a successor of the per-

Vacancy.

son whose place has become vacant or whose term has expired shall be chosen in the same manner as was his predecessor.

(2) The members of the board of retirement shall serve without compensation; but they shall be reimbursed out of the contingent fund for any expense or loss of salary or wages which they may incur through service on the board. All claims for reimbursement on this account shall be subject to the approval of the city council or the board of selectmen.

Compensation.

(3) The city or town treasurer shall have charge and control of the funds of the system, subject to the approval of the board of retirement, and shall invest and reinvest the same, and may from time to time sell any securities held by him and invest and reinvest the proceeds, and any and all unappropriated income of said funds: *provided, however, that* all funds received by him not required for current disbursements shall be invested in accordance with the provisions of the laws of this commonwealth relating to the investment of the funds of savings banks. He shall in the investment of the funds give preference to the securities of the city or town in which the retirement system has been established. He may, whenever he sells such securities, deliver the securities so sold upon receiving the proceeds, and may execute all documents necessary to transfer the title thereto.

Investment of funds.

Proviso.

(4) The board of retirement shall have power to make by-laws and regulations not inconsistent with the provisions of this act, and to employ such clerical or other assistance as may be necessary for the fulfillment of its purposes subject to the approval of the city council or the board of selectmen.

By-laws, etc.

(5) The board shall determine the percentage of wages that employees shall contribute to the pension fund, subject to the minimum and maximum percentages, and shall, furthermore, have power to classify employees for the purposes of the retirement system, and to establish different rates of contribution for different classes within the prescribed limits.

Contributions, etc.

(6) The city or town treasurer shall, in February of each year, unless for cause the insurance commissioner shall have granted an extension of time, file in the office of the insurance commissioner a sworn statement, which shall exhibit the financial condition of the retirement system on the thirty-first day of the preceding January, and its financial transactions for the year ending with said day. Such state-

State of financial condition to be filed with the insurance commissioner.

ment shall be in a form approved by the insurance commissioner, and shall show, among other things, the liability of the retirement system on account of the following items: —

A. Deposit Reserve.

Deposit
reserve.

The total of the deposits of the members actually received by the treasurer or due from the city or town under section five, (2) *A*, and (3), and held subject to withdrawal by such members.

B. Interest Reserve.

Interest
reserve.

Regular interest on such deposits.

C. Annuity Reserve.

Annuity
reserve.

The net value of the annuities entered upon under section six, (2) *B*, on the basis of the mortality tables and interest rates provided for in this act.

D. Expense and Contingent Funds.

Expense and
contingent
funds.

- (a) The unexpended portion of the amounts received under section five, (1).
- (b) The contingent fund.

E. Gifts and Bequests.

Gifts and
bequests.

The amounts received as gifts or bequests and held under the terms of such gifts or bequests.

F. Other Liabilities.

Other
liabilities.

All other liabilities.

G. Surplus.

Surplus.

- (a) *Annuity surplus.* — The undistributed surplus arising from annuity deposits.
- (b) *Other surplus.* — All unassigned funds.

1910, 619,
§ 5, amended.

SECTION 5. Section five of the said chapter six hundred and nineteen is hereby amended by striking out paragraph (2) *B* (b) and inserting in place thereof the following paragraph: — (b) Every year, in February, in case the actual annuity deposits shall be less than the amount of the annuity reserve, the city or town shall make good such deficiency, — by adding after paragraph *B* (d) the following paragraph: — (e) The city or town shall appropriate annually such an

amount as may be necessary to defray the contributions to be made by it under paragraph (2) *B* (a), (b), (c) and (d) of this section, according to estimates prepared by the treasurer, — and by striking out the word “pension”, in the fifth line of paragraph (3), and inserting in place thereof the word: — retirement, — so as to read as follows: —

CREATION OF THE RETIREMENT FUND. *Section 5.* The funds of the retirement system shall be raised as follows: — Creation of retirement fund.

(1) *Expense and Contingent Fund.*

The city or town shall appropriate annually such an amount as may be necessary to defray the whole expense of administration, according to estimates prepared by the treasurer. Expense and contingent fund.

(2) *Annuity and Pension Fund.*

A. Deposits by Members. — Each member shall deposit in this fund from his wages or salary, as often as the same are payable, not less than one per cent and not more than five per cent of the amount of his wages or salary as determined by the board of retirement under the provisions of section four (5): *provided, however*, that employees who receive more than thirty dollars weekly in wages or salary shall not be assessed for contribution to this fund on the excess above that amount. Annuity and pension fund.

B. Contributions by the City or Town. — (a) Every month the city or town shall contribute such amount as the board of retirement may determine to be necessary to pay current pensions for subsequent services, under section six, (2) *C* (a). Proviso.

(b) Every year, in February, in case the actual annuity deposits shall be less than the amount of the annuity reserve, the city or town shall make good such deficiency.

(c) Every month the city or town shall contribute such amount as the board of retirement may determine to be necessary to pay current pensions for prior service under section six, (2) *C* (b). Contributions by cities and towns.

(d) Every month the city or town shall contribute such amount as the board of retirement may determine to be necessary to ensure the minimum payments provided for in section six, *E*.

(e) The city or town shall appropriate annually such an amount as may be necessary to defray the contributions to be made by it under paragraph (2) *B* (a), (b), (c) and (d) of this section, according to estimates prepared by the treasurer.

(3) *Provision for Payments.*

Provision for
payments.

All amounts payable by members of the association under paragraph (2) *A* of this section shall be deducted by the city or town from the amounts payable to them as wages or salary, as often as the same are payable, and shall be credited immediately to the retirement fund by the city or town treasurer.

1910, 619,
§ 6, amended.

SECTION 6. Section six of said chapter six hundred and nineteen is hereby amended by striking out paragraph "(1) *Expense and Contingent Funds*", and inserting in place thereof the following: — (1) *Expense and Contingent Fund*. The fund provided for under section five, (1), shall be used, so far as may be necessary, for the payment of the expenses of administration. The portions not so used, if any, shall be repaid into the city or town treasury. In case the amount appropriated for the expense and contingent fund in any year should prove insufficient, the city or town shall appropriate in the following year such additional sum as may be required to cover the deficit, — by inserting after the words "thereafter retires", in the fourth line of paragraph (2) *B*, the following words: — or is retired, — by striking out the words "time when he entered the service of the city or town", in the tenth and eleventh lines of paragraph (2) *C* (*b*), and inserting in place thereof the following words: — beginning of such period of continuous service, — and by striking out the words "Employees who had already reached the age of sixty years at the time when the retirement system was established, and employees who had already reached the age of fifty-five years at that date and also became members of the association", in paragraph (2) *C* (*b*), and inserting in place thereof the following: —

Any employee who had already reached the age of fifty-five years on the date when the retirement system was established, and also became a member of the association, — by inserting before the paragraph "*D. Application of Surplus*", the following: —

Any employee not a member of the association who had already reached the age of fifty-five years on the date when the retirement system was established, may be retired at any time and shall be paid a pension equivalent to the minimum payment herein provided for, — by inserting after the word "Minimum", in the first line of paragraph *E*, the words:

— and Maximum, — and by adding after the word “year”, in the third line of said paragraph E, the words: — or at a rate more than one half the amount of the average wages or salary received by the member during the ten years prior to his retirement, — so as to read as follows: — DISTRIBUTION OF FUNDS. *Section 6.* The city or town treasurer shall administer the funds of the retirement system in accordance with the following plan: —

(1) *Expense and Contingent Fund.*

The fund provided for under section five, (1), shall be used, so far as may be necessary, for the payment of the expenses of administration. The portions not so used, if any, shall be repaid into the city or town treasury. In case the amount appropriated for the expense and contingent fund in any year should prove insufficient, the city or town shall appropriate in the following year such additional sum as may be required to cover the deficit.

Expense and
contingent
fund.

(2) *Annuity and Pension Funds.*

A. Refunds. — (a) Should a member of the association cease to be an employee of the city or town for any cause other than death before becoming entitled to a pension, there shall be refunded to him all the money that has been paid in by him under section five, (2) *A*, with regular interest.

Annuity
and pension
funds.

(b) Should a member of the association die before becoming entitled to a pension, there shall be paid to his legal representatives all the money that has been paid in by him under section five, (2) *A*, with such interest as shall have been earned on such deposits.

B. Annuities from Employees' Deposits. — Every member who reaches the age of sixty years and has been in the continuous service of the city or town for fifteen years immediately preceding, and then or thereafter retires or is retired, every member who retires or is retired at the age of seventy years, and every member who is retired for the good of the service under the provisions of section three, (5), shall receive an annuity to which the sum of his deposits under section five, (2), with regular interest, shall entitle him, according to the tables adopted by the board of retirement, in one of the following forms: —

Annuities
from
employees'
deposits.

(a) A life annuity, payable monthly.

(b) A life annuity, payable monthly, with the provision that in the event of the death of the annuitant before receiving payments equal to the sum at the date of his retirement of his deposits under section five, (2) *A*, with regular interest, the difference shall be paid to his legal representatives.

Pensions
derived from
contributions
by cities and
towns.

C. Pensions derived from Contributions by the City or Town.

— (a) Pensions based upon subsequent service. Any member entitled to an annuity under paragraph (2) *B*, of this section, shall receive in addition thereto a pension for life payable monthly equivalent to that annuity, to be paid out of the fund contributed by the city or town under the provisions of section five, (2) *B* (a).

Pensions
based upon
prior service.

(b) Pensions based upon prior service. Any member of the association who reaches the age of sixty years, having been in the continuous service of the city or town for fifteen years or more immediately preceding, and then or thereafter retires or is retired, shall receive in addition to the annuity and pension provided for by paragraphs (2) *B* and *C* (a) of this section, an extra pension for life as large as the amount of the annuity to which he might have acquired a claim if the retirement system had been in operation at the beginning of such period of continuous service, and if accordingly he had paid regular contributions from that date to the date of the establishment of the retirement association, at the same rate as that first adopted by the board of retirement, and if such deductions had been accumulated with regular interest.

Any employee who had already reached the age of fifty-five years on the date when the retirement system was established, and also became a member of the association, may be retired under the provisions of the preceding paragraph without having completed the otherwise required service period of fifteen years.

For the purpose of computing any pension payable for prior service, the board of retirement may estimate on a basis determined by them the wages received at any period for which they may deem it impracticable to consult the original records.

Any employee not a member of the association who had already reached the age of fifty-five years on the date when the retirement system was established, may be retired at any time and shall be paid a pension equivalent to the minimum payment herein provided for.

D. Application of Surplus. — The board of retirement shall have power to determine the application of any surplus, as defined under section four, (6) *G*, subject to the approval of the insurance commissioner.

Application of surplus.

E. Minimum and Maximum Payments. — In no case shall the total monthly payment to a member be at a rate less than two hundred dollars per year, or at a rate more than one half the amount of the average wages or salary received by the member during the ten years prior to his retirement.

Minimum and maximum payments.

F. Association Membership and Pension Certificate. — Membership in the association shall be evidenced by a certificate to be issued to each member by the board of retirement, and the right to an annuity or a pension shall be evidenced by a policy to be issued to each member who retires or is retired by the board of retirement.

Association membership, etc.

SECTION 7. The said chapter six hundred and nineteen is hereby amended by inserting after section ten the following new section: — *Section 11.* This act may be altered or amended from time to time, and all such alterations and amendments shall, upon their passage, become binding upon cities and towns which have previously accepted this act, and all contractual rights entered into by and between any city or town and the employees thereof under the provisions of this act shall be deemed to have been entered into subject to being subsequently affected by such alterations or amendments: *provided, however,* that no such alteration or amendment shall affect the rights of employees given by section six, (2) *A*, of this act with reference to deposits previously made.

1910, 619, amended.

Alterations and amendments.

Proviso.

SECTION 8. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the seventeenth day of April, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

AN ACT RELATIVE TO PROCEEDINGS FOR PUNISHMENT FOR THE VIOLATION OF INJUNCTIONS. *Chap.339*

Be it enacted, etc., as follows:

SECTION 1. The defendant in proceedings for violation of an injunction, where it appears from the petition filed in court alleging the violation, that the violation is an act which also would be a crime, shall have the right to trial by jury on the issue of fact only, as to whether he committed the acts

Punishment for violation of injunctions.

alleged to constitute the said violation, and the said trial by jury shall take place forthwith, and if there is no sitting of a jury in the county where the contempt proceedings are to be heard, a venire shall issue to impanel a jury forthwith.

Not to apply
to probate
courts.

SECTION 2. The provisions of this act shall not apply to proceedings in the probate courts.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved April 26, 1911.

*Chap.*340 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF NEW SALEM AND PRESCOTT.

Be it enacted, etc., as follows:

Boundary
line between
the towns of
New Salem
and Prescott.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of New Salem and Prescott: — Beginning at a granite monument standing at the corner of the towns of Dana, New Salem and Prescott, in latitude forty-two degrees, twenty-seven minutes, thirty and twenty-one hundredths seconds north, and longitude seventy-two degrees, seventeen minutes, fifteen and two hundredths seconds west; thence westerly in a straight line about seven thousand five hundred and seventy-five feet to a granite monument standing on the southerly side of a highway through the centre of which the present town boundary runs; thence deflecting slightly to the right and continuing in a straight line about one thousand seven hundred and twenty-five feet to a point on the easterly side of a highway near the Lincoln place; thence northerly in a straight line to a point in the easterly side of said highway opposite a granite monument standing on the westerly side of said highway, in the present boundary line; thence south eighty-three degrees, eleven minutes west, true bearing, about one thousand three hundred and seventy-six feet passing through said monument to a granite monument standing on Bials Hill at an angle in the present boundary line; thence north no degrees, fifty-six minutes west, true bearing, five hundred and seventy feet to a granite monument standing at an angle in the present boundary line; thence south eighty-two degrees, eighteen minutes west, true bearing, three thousand three hundred and one feet to a granite monument standing at a junction of walls at an angle in the present boundary line;

thence north four degrees, seven minutes west, true bearing, about five hundred and thirty feet to the centre of a cross road opposite a granite monument standing in the present boundary line at a junction of walls on the southerly side of said cross road; thence westerly along the centre of said road about one thousand five hundred feet to the westerly side of the road between North Prescott and New Salem; thence southerly in a straight line, about two hundred and fifty feet to a granite monument standing in the present boundary line on the westerly side of the said last named road; thence westerly in a straight line about three thousand nine hundred and twenty-five feet to a point in the present boundary line four hundred and fifty feet southerly from the monument in the present boundary line on the southerly side of the highway and opposite the house on the Waterhouse place; thence northerly in a straight line, about four hundred and fifty feet to said granite monument standing in the present boundary line on the southerly side of said highway opposite the Waterhouse place; thence westerly about eight hundred and seventy-five feet along the southerly side of said highway to the westerly side of the "Hunt Road"; thence southerly about five hundred and seventy-five feet along the westerly side of said Hunt Road to a granite monument standing in the present boundary line; thence westerly in a straight line about three thousand three hundred and fifty feet to a granite monument standing in the present boundary line, on the easterly side of a highway between Prescott and Cooleyville; thence northerly in a straight line about two hundred and fifty feet to a point on the easterly side of said highway, opposite a granite monument standing in the present boundary line on the westerly side of the highway; thence westerly in a straight line about two thousand four hundred and fifteen feet passing through said monument on the westerly side of said highway to a granite monument standing in the present boundary line in latitude forty-two degrees, twenty-seven minutes, twelve and five hundredths seconds and longitude seventy-two degrees, twenty-two minutes, fifty-six and ninety-two hundredths seconds; thence in the same direction about eighty-five feet to the centre of west branch of Swift river at the present corner of the towns of New Salem, Prescott and Shutesbury.

Boundary
line between
the towns of
New Salem
and Prescott.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1911.

Chap.341 AN ACT RELATIVE TO THE SALE OF COCAINE.

Be it enacted, etc., as follows:

1910, 387,
§ 5, amended.

Section five of chapter three hundred and eighty-seven of the acts of the year nineteen hundred and ten is hereby amended by striking out said section and inserting in place thereof the following: — *Section 5.* Whoever violates any provision of the foregoing sections shall be punished by a fine of not less than fifty and not more than one thousand dollars, or by imprisonment for not more than one year in the county jail or house of correction, or by both such fine and imprisonment, and whoever is found present as described in section seven of this act shall be punished by a fine of not more than fifty dollars, or by imprisonment for three months in the house of correction.

Penalties.

Approved April 27, 1911.

Chap.342 AN ACT TO REGULATE THE CONSTRUCTION OF GARAGES IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Construction
of garages in
the city of
Boston.

SECTION 1. A garage hereafter erected within the fire limits of the city of Boston shall be of first class construction. A garage hereafter erected in any other part of that city shall be either of first or second class construction.

Term
"garage"
defined.

SECTION 2. By the term "garage" is meant a building or that part of a building wherein are kept five or more automobiles or motor cars charged with or containing a volatile inflammable liquid for fuel or power. Wherever hereafter any part of an existing building is converted into a garage, the garage shall be deemed to embrace all the building not separated from the garage proper by fireproof construction satisfactory to the building commissioners, and such building or part of a building shall be of first class construction.

Term "vola-
tile inflamma-
ble liquid"
defined.

SECTION 3. By the term "volatile inflammable liquid" is meant any liquid that will emit inflammable vapor at a temperature below one hundred degrees Fahrenheit, when tested in the open air.

Penalty.

SECTION 4. The penalty for violation of this act shall be a fine of not less than ten and not more than fifty dollars a day, so long as the violation continues.

Approved April 27, 1911.

AN ACT RELATIVE TO THE PROTECTION AND IMPORTATION OF WILD TURKEYS. *Chap. 343*

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful prior to the first day of September in the year nineteen hundred and fifteen to hunt, take or kill a wild turkey scientifically known as *meleagris gallopavo*. Protection and importation of wild turkeys.

SECTION 2. It shall be unlawful to import into or to liberate within this commonwealth any wild turkey which is infected with the disease termed *coccidiosis* or *entero-nepatitis*, commonly known as "black head", or to import any living wild turkey except under a special written permit from the board of commissioners on fisheries and game. Commissioners on fisheries and game may issue permit.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine of twenty dollars. Penalty.

Approved April 27, 1911.

AN ACT TO AUTHORIZE CERTAIN INSURANCE COMPANIES TO ACT AS SURETIES IN CRIMINAL PROCEDURE. *Chap. 344*

Be it enacted, etc., as follows:

SECTION 1. Section sixty-one of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven, as amended by chapter two hundred and fifty-six of the acts of the year nineteen hundred and nine, is hereby further amended by inserting after the word "civil", in the eleventh line of the first sentence, the words: — and criminal, — so that the said sentence will read as follows: — A company organized under the provisions of this act or the corresponding provisions of earlier laws or chartered by any other state or government to transact fidelity insurance and corporate suretyship, and qualified to do business in this commonwealth, may make contracts of insurance to guarantee the fidelity of persons holding positions of trust in private or public employment or responsibility, and may, if accepted and approved by the court, magistrate, obligee or person competent to approve such bond, act as surety upon the official bond or undertaking in civil and criminal procedure of any person or corporation to the United States, to this commonwealth, or to any county, city, town, judge of probate and insolvency or other court, sheriff, magistrate 1907, 576, § 61, etc., amended.

Sureties.

or public officer, or to any corporation or association public or private; and also may act as surety upon any bond or undertaking to any person or corporation or to the commonwealth conditioned upon the performance of any duty or trust or for the doing or not doing of anything in said bond specified, and upon bonds to indemnify against loss any person or persons who are responsible as surety or sureties upon a written instrument or otherwise for the performance by others of any office, employment, contract or trust.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1911.

Chap.345 AN ACT RELATIVE TO THE USE OF HEADLIGHTS ON THE CARS
OF STREET RAILWAY COMPANIES.

Be it enacted, etc., as follows:

1906, 463,
§ 90 of Part
III, amended.

Equipment
of street rail-
way cars.

SECTION 1. Section ninety of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby amended by inserting before the word "fenders", in the second line, the word: — headlights, — so as to read as follows: — *Section 90.* A street railway company shall equip its cars, when in use, with such headlights, fenders, wheel guards, brakes and emergency tools as may be required by the board of railroad commissioners, and said board may modify its requirements.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1911.

Chap.346 AN ACT RELATIVE TO THE CONVEYANCE OF PROPERTY TO THE
CONGREGATIONAL CHURCH OF NEW MARLBOROUGH.

Be it enacted, etc., as follows:

Conveyance
of property,
etc.

SECTION 1. Any religious society connected with the Congregational church of New Marlborough may, at any meeting called for the purpose, by a majority vote, authorize one or more persons in its name and behalf to convey any real or personal estate belonging to it to the said church, and such estate shall thereafter be held by the church subject to the same uses and trusts upon which it was held by the religious society.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1911.

AN ACT TO AUTHORIZE THE GREAT BARRINGTON FIRE DISTRICT *Chap. 347*
TO MAKE AN ADDITIONAL WATER LOAN FOR THE PURPOSE
OF PAYING CERTAIN INDEBTEDNESS.

Be it enacted, etc., as follows:

SECTION 1. The Great Barrington Fire District, for the purpose of paying certain notes or scrip heretofore lawfully issued by said fire district under the provisions of chapter three hundred and ninety-six of the acts of the year eighteen hundred and eighty-seven, may issue bonds, notes or scrip to an amount not exceeding forty-five thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Great Barrington Fire District Water Loan, Act of 1911; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum; and shall be signed by the treasurer and countersigned by the prudential committee of said district. The district may sell such securities at public or private sale upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold for less than their par value. Great Barrington Fire District Water Loan, Act of 1911.
Proviso.

SECTION 2. The Great Barrington Fire District shall, at the time of authorizing said loan, provide for the payment thereof in annual payments of twenty-two hundred and fifty dollars each, beginning in the year nineteen hundred and twelve; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the said bonds, notes or scrip, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed and collected by said district annually thereafter in a manner similar to that in which other taxes are assessed, until the debt incurred by said loan is extinguished. Payment of loan.

SECTION 3. This act shall take effect upon its passage.
Approved April 27, 1911.

Chap.348 AN ACT RELATIVE TO INSPECTION OF ELECTRIC METERS.

Be it enacted, etc., as follows:

R. L. 121,
§ 36,
amended.

Inspection
of electric
meters.

SECTION 1. Section thirty-six of chapter one hundred and twenty-one of the Revised Laws is hereby amended by striking out the words "if any", in the sixth line, so as to read as follows: — *Section 36.* A customer of an electric lighting company or such company may apply to the board of gas and electric light commissioners for an examination and test of any meter in use upon a customer's premises. The board shall forthwith cause to be made by a competent and disinterested person such examination and test of said meter as in the judgment of the board is practicable and reasonable, and shall furnish to the company and to the customer a certificate of the result and expense thereof. If upon such examination it appears that the meter does not register correctly, the board may order the company to correct or remove such meter and to substitute a correct meter therefor. All fees for examinations and tests shall in the first instance be paid by the person or company making application therefor; but if the examination or test is made at the request of a customer and the meter is found to be incorrect because too fast the company shall pay such fees to the board, to be repaid by it to the applicant. A meter shall be deemed correct for the purposes of this section if it appears from such examination or test that it does not vary more than five per cent from the standard approved by the board.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1911.

Chap.349 AN ACT RELATIVE TO ELECTRIC LIGHT, HEAT AND POWER COMPANIES.

Be it enacted, etc., as follows:

Transfer of
franchise,
etc.

SECTION 1. A corporation engaged in the business of manufacturing or selling electricity for light, heat or power shall not, without the authority of the general court, transfer its franchise, lease its works or contract with any person, association or corporation to carry on its works, except in accordance with the provisions of chapter five hundred and twenty-nine of the acts of the year nineteen hundred and eight and acts in amendment thereof and in addition thereto.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1911.

AN ACT RELATIVE TO THE PAYMENT OF INDEBTEDNESS OF *Chap.350*
CITIES AND TOWNS.

Be it enacted, etc., as follows:

SECTION 1. Section thirteen of chapter twenty-seven of the Revised Laws, as amended by chapter three hundred and forty-one of the acts of the year nineteen hundred and eight, is hereby further amended by inserting after the word "debt", in the sixth line, the words: — so far as issued, — so as to read as follows: — *Section 13.* A city or town, instead of establishing a sinking fund, may vote to provide for the payment of any debt by such proportionate or other annual payments as will extinguish the same at maturity, but so that the amount of such annual payment in any year and the whole interest of such debt, so far as issued, payable in the same year shall not together be less than the aggregate amount of principal and interest payable in any subsequent year, and thereupon such annual amount shall, without further vote, be assessed under the provisions of section thirty-seven of chapter twelve until such debt is extinguished.

R. L. 27,
§ 13, etc.,
amended.

Proportion-
ate payments,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1911.

AN ACT MAKING AN APPROPRIATION FOR THE WORCESTER *Chap.351*
POLYTECHNIC INSTITUTE.

Be it enacted, etc., as follows:

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, to the Worcester Polytechnic Institute, as provided for by chapter five hundred and sixty-two of the acts of the year nineteen hundred and ten.

Appropriation,
Worcester
Polytechnic
Institute.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1911.

AN ACT RELATIVE TO REGULATIONS CONCERNING THE HEIGHT *Chap.352*
AND WEIGHT OF MEMBERS OF FIRE DEPARTMENTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and ninety-four of the acts of the year nineteen hundred and four is hereby amended by striking out section one and inserting in place thereof the

1904, 194,
§ 1, amended.

Height and weight of members of fire departments.

following: — *Section 1.* No regulations concerning the height or weight of persons who shall be eligible to become members of the fire department in any city or town shall be made or enforced except by the city council of the city or by the selectmen of the town.

SECTION 2. This act shall take effect upon its passage.
Approved April 28, 1911.

Chap.353 AN ACT RELATIVE TO MAKING RETURNS OF CAUCUSES.

Be it enacted, etc., as follows:

1907, 560,
§ 105,
amended.

Returns of
caucuses, etc.

Section one hundred and five of chapter five hundred and sixty of the acts of the year nineteen hundred and seven is hereby amended by inserting after the word "town", in the third line, the words: — or where caucuses are held in one precinct or by groups of precincts in any ward, — so as to read as follows: — *Section 105.* Returns of all caucuses of political parties at which are made any direct nominations for a district comprising more than one ward or town, or where caucuses are held in one precinct or by groups of precincts in any ward, shall be made according to the provisions of section one hundred and thirty-seven. In Boston the election commissioners and in other cities and in towns the registrars of voters shall canvass said returns and determine the results thereof. Except that for the purpose of tabulating and determining the results of all such returns for members of the state committee in the Suffolk senatorial districts the chairman of the election commissioners of the city of Boston, the city clerk of the city of Chelsea, and the town clerks of the towns of Revere and Winthrop, shall constitute a canvassing board for the first district; the election commissioners of the city of Boston and the city clerk of the city of Cambridge shall constitute such board for the second and third districts; and the election commissioners of the city of Boston shall constitute such board for the remaining districts. Said canvassing boards shall meet for such purpose at the office of the election commissioners in Boston at ten o'clock in the forenoon of the Monday preceding the day on which certificates of nomination for senator are required by law to be filed with the secretary of the commonwealth. Said canvassing boards shall tabulate and determine the results of all such returns, and each canvassing board shall certify to the facts required by law. They shall furnish to the members of the state committee elected in the Suffolk

senatorial districts certificates of their election and shall send to the secretary of the state committee of each political party the names and residences of the members of such party so elected. Recounts of ballots shall be made as provided in section one hundred and thirty-nine. In the case of candidates for a state office in a district comprising more than one ward and wholly within any one city, the city clerk, or in Boston the election commissioners, shall file in the office of the secretary of the commonwealth the certificate of nomination required by law. In the case of such candidates for a district not wholly within any one city or town, each city and town clerk in such district, or in Boston the election commissioners, shall file in the office of the secretary of the commonwealth, in the manner and within the time required by law for filing certificates of nomination, copies of the record of votes for such candidates, and the secretary shall canvass them and determine the results thereof.

Approved April 29, 1911.

AN ACT RELATIVE TO TABULATING AND DETERMINING THE RESULTS OF CAUCUSES. *Chap. 354*

Be it enacted, etc., as follows:

Section one hundred and seventy of chapter five hundred and sixty of the acts of the year nineteen hundred and seven is hereby amended by inserting after the word "precincts", in the second line, the words: — or by groups of precincts in any one ward, — so as to read as follows: — *Section 170.* The clerk of a city or town wherein caucuses are held by precincts, or by groups of precincts in any one ward, immediately upon receipt of the returns from the caucus officers, which shall be made as provided in section one hundred and thirty-seven, shall tabulate and determine the results thereof, and shall certify to the facts required by the following section, and in accordance with the provisions of sections one hundred and seventy-one and one hundred and seventy-six, except in cases where the nomination is for an office to be filled by the voters of a city or town, in which cases no such certificate shall be required. The clerk shall also issue proper certificates to the successful candidates and notify the chairmen of the city or town committees of the respective parties as to the persons who have been elected delegates to conventions and members of ward and town committees.

1907, 560,
§ 170,
amended.

Returns of
precinct cau-
cuses, etc.

Approved April 29, 1911.

Chap.355 AN ACT RELATIVE TO THE SIGNING OF CERTIFICATES OF NOMINATION.

Be it enacted, etc., as follows:

1907, 560,
§ 171,
amended.

Certificates
of nomination,
etc.

Section one hundred and seventy-one of chapter five hundred and sixty of the acts of the year nineteen hundred and seven is hereby amended by inserting after the word "town", in the fourth line, the words: — and except where caucuses are held in one precinct or by groups of precincts in any ward, — so as to read as follows: — *Section 171.* Every certificate of nomination shall state such facts as are required by section one hundred and seventy-five and except in cases of direct nomination for a district comprising more than one ward or town, and except where caucuses are held in one precinct or by groups of precincts in any ward, shall be signed by the presiding officer and by the secretary of the convention or caucus, who shall add to their signatures their residences, and shall make oath to the truth thereof. The secretary of the convention or caucus shall within the seventy-two hours succeeding five o'clock in the afternoon of the day upon which the convention or caucus was held and within the time specified in section one hundred and seventy-seven, file such certificate as hereinafter provided.

Approved April 29, 1911.

Chap.356 AN ACT RELATIVE TO THE HUNTING AND POSSESSION OF QUAIL.

Be it enacted, etc., as follows:

Close season
for the hunt-
ing and
possession of
quail.

SECTION 1. It shall be unlawful excepting only between the fifteenth day of October and the fifteenth day of November of each year, both dates inclusive, to hunt, pursue, take or kill a quail or to have the same, or any part thereof, in possession except as provided in sections two and three hereof; and it shall be unlawful at any time to take or send or cause to be taken or transported beyond the limits of the commonwealth a quail which was taken or killed within the commonwealth, or to have in possession quail with intent to take or cause the same to be taken out of the commonwealth, except quail artificially propagated as provided in section two hereof.

Permission
may be
granted for

SECTION 2. Upon application to the board of commissioners on fisheries and game, written permission may be

granted to any person to engage in the rearing of quail and to dispose of the same under such rules and regulations, approved by the governor and council, as may be made from time to time by the commissioners, and such artificially propagated quail may be bought, sold and had in possession at any season of the year for the purposes of propagation.

the rearing
of quail, etc.

SECTION 3. It shall be unlawful to buy, sell, offer for sale or otherwise dispose of at any time a quail, or any part thereof, whenever or wherever such bird may have been taken or killed: *provided, however*, that a person, firm or corporation dealing in game, or engaged in the cold storage business, may buy, sell or have in possession, and a person may buy from such person, firm or corporation, and may have in possession if so bought, quail from the first day of November to the first day of January following, if such quail or parts thereof were not taken in this commonwealth, and were not taken, killed, bought, sold or otherwise disposed of or transported contrary to the laws of any state or country. And a person, firm or corporation dealing in game or engaged in the cold storage business may have quail in possession in cold storage for storage purposes, at any season, if such quail were not taken or killed in this commonwealth, and were not taken, killed, bought, sold or otherwise procured or disposed of, or transported contrary to the laws of the state or country in which the quail were taken, killed, or transported; *provided, however*, that such persons, firms or corporations shall have notified in writing the commissioners on fisheries and game on or before January first in each year, of the species, number of each species, and place of storage of such birds, and that such birds are in places and packages convenient for sealing, and that the packages are plainly marked with the name and number of the birds therein. The commissioners or their deputies shall then place a seal upon all receptacles and packages containing any species of quail. The said seal shall not be removed by any person other than the commissioners on fisheries and game or their deputies, and shall be removed by the said commissioners or their deputies upon the first day of November of each year. The packages so sealed shall not be opened or removed from that storage warehouse under a penalty of twenty dollars for each bird. But any person, firm or corporation holding a permit from the commissioners on fisheries and game may buy, sell, or have in possession live quail for purposes of propagation within the commonwealth, and for no other purpose.

Buying and
selling of
quail pro-
hibited.

Provisos.

Penalty.

SECTION 4. Whoever violates any provision of this act shall be punished by a fine of twenty dollars for each bird or part thereof, in respect to which the violation occurs. The possession, except as provided above, of quail during the season when taking, killing, or sale is prohibited by law shall be prima facie evidence that the person having possession has violated some provision of this act.

Repeal.

SECTION 5. So much of chapter ninety-two of the Revised Laws as is inconsistent herewith and chapter four hundred and forty-one of the acts of the year nineteen hundred and eight, and chapter two hundred and seventy-two of the acts of the year nineteen hundred and nine, and chapter three hundred and sixty-five of the acts of the year nineteen hundred and ten, are hereby repealed.

Approved April 29, 1911.

Chap.357 AN ACT RELATIVE TO THE DISSENT OF STOCKHOLDERS WHEN STREET RAILWAY COMPANIES SELL THEIR FRANCHISES AND PROPERTY OR CONSOLIDATE WITH OTHER COMPANIES.

Be it enacted, etc., as follows:

1906, 463,
§ 52, Part
III, amended.

Consolidation
of street rail-
way com-
panies, etc.

Proviso.

Valuation
of shares of
dissenting
stockholders,
etc.

SECTION 1. Section fifty-two of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby amended by adding at the end thereof the following: — Whenever a street railway company sells and conveys the whole or a part of its franchise and property to, or consolidates with, any other street railway company, every stockholder of both the purchasing or consolidated company and of the selling company shall be deemed to assent to the terms of purchase and sale or of consolidation, when approved by the board of railroad commissioners in accordance with any provisions of law requiring such approval, unless, within thirty days after the date of such approval, he shall file with the clerk of said board a writing, declaring his dissent from said terms and stating the number of shares held by him and the number of the certificate or certificates evidencing the same: *provided, however,* that, as against any stockholder under any legal incapacity to act for himself and having no legal guardian, said period of thirty days shall not begin to run until the removal of such incapacity by the appointment of a legal guardian, or otherwise. The shares of any stockholder so dissenting, shall be acquired by the purchasing or consolidated company, and shall be valued, and the value thereof

be paid or tendered to, or deposited to or for the account of, such stockholder in the manner following: Within sixty days after the filing as aforesaid of his dissent from the terms of such sale or consolidation, the said dissenting stockholder or the purchasing or consolidated company shall file a petition with the supreme judicial court, sitting within and for the county in which said stockholder resides or in any county in which said company operates any part of its railway, which petition, if filed by the company in a county other than that of the stockholder's residence, may upon his application be removed to the county in which the said stockholder resides, setting forth the material facts and praying that the value of such dissenting stockholder's shares may be determined. Thereupon, after such notice to all parties concerned as it may deem proper, said court shall make an order requiring such dissenting stockholder's certificate or certificates of stocks to be deposited with the clerk of said court, and shall appoint three commissioners to ascertain and report the value of such dissenting stockholder's shares on the day of the approval by the board of railroad commissioners of the terms of the agreement of purchase and sale or consolidation. Said report shall be made to the court as soon as is practicable, and, after due notice to the parties in interest, shall be accepted by the court, unless before such acceptance either of the parties to said proceeding shall claim a trial by jury, in which case the court shall order the value of said shares to be tried and determined by a jury in the same manner as other civil cases are tried in said court. The said commissioners' report, or the verdict, when accepted by the court, shall be final and conclusive as to the value of such dissenting stockholder's shares, and the amount so ascertained as such value shall at once be paid or tendered to such stockholder; or, if such payment or tender be impracticable for any cause, shall be paid into court. Upon such payment or tender or deposit, the shares of such dissenting stockholder and the certificate or certificates thereof shall become the property of the purchasing or consolidated company, whose right and title thereto may be enforced by the court by any appropriate order or process. Exceptions may be taken to any ruling or order of said court, to be heard and determined by the full court as in other civil cases; and said court may make all such orders for the enforcement of the rights of any party to the proceedings, for the consolidation of two or more petitions and their refer-

Commissioners report to be final and conclusive, etc.

Exceptions.

ence to the same commissioners, for the consolidation of claims for a jury trial and the trial of two or more cases by the same jury, and for the payment of interest upon the value of a stockholder's share as determined, and the payment of costs by one party to the other, as justice and equity and the speedy settlement of the matters in controversy may require.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1911.

Chap. 358 AN ACT TO REGULATE THE TAKING OF DEPOSITS BY CERTAIN PERSONS, PARTNERSHIPS, ASSOCIATIONS OR CORPORATIONS.

Be it enacted, etc., as follows:

1905, 428,
§ 2, amended.

Bonds of
partnerships,
associations,
etc.

SECTION 1. Chapter four hundred and twenty-eight of the acts of the year nineteen hundred and five is hereby amended by striking out section two, as amended by section two of chapter four hundred and eight of the acts of the year nineteen hundred and six, and inserting in place thereof the following: — *Section 2.* Said bond shall be executed by said persons, partnerships, associations or corporations as principal, with at least two good and sufficient sureties who shall be residents and owners of real estate within the commonwealth, or by said persons, partnerships, associations or corporations as principal and a surety company approved by the bank commissioner. In lieu of the aforesaid sureties, the persons, partnerships, associations or corporations may deposit, and the treasurer and receiver general shall accept as security for the fulfilment of the provisions of the bond, money, bonds of the United States, of this commonwealth or of any municipality thereof, or, if approved by the bank commissioner, other bonds, certificates of deposit issued by a national bank or trust company, or deposit books of depositors in savings banks or trust companies. The money or securities so deposited shall be held on the conditions specified in the aforesaid bond. If securities be deposited in lieu of the aforesaid sureties and be accepted, the treasurer and receiver general shall require the depositor to maintain such deposit at a value equal to the amount fixed as the penalty of the bond, and he may in his discretion permit the substitution of securities for money, or of money for securities, in whole or in part, or of money or securities for any sureties, or of a bond for money or securities deposited, or the withdrawal of securities deposited and the substitution of others of equal value in their place, and if the total value

of the securities becomes substantially impaired he shall require the deposit of money or additional securities sufficient to cover the impairment in value. This bond shall not be accepted unless approved by the treasurer and receiver general, and upon such approval it shall be filed in his office. Upon notice of such approval the bank commissioner shall issue a license authorizing the persons, partnerships, associations or corporations in question to carry on the aforesaid business for a period of one year from the date of the issuance of the license, at a place to be specified therein, and no persons, partnerships, associations or corporations shall enter into or continue in the aforesaid business without such authority. The license shall state the kind of business which the licensee is authorized to carry on, either that of receiving deposits of money for safe-keeping, or that of receiving money for the purpose of transmitting the same or equivalents thereof to foreign countries, or that of receiving deposits of money for safe-keeping and transmission to foreign countries. If authority is therein given the licensee to carry on the business of receiving deposits of money for the purpose of transmitting the same or equivalents thereof to foreign countries, he shall pay for such license an annual fee of twenty-five dollars, but if authority is given to receive deposits of money for safe-keeping, or for the purpose of safe-keeping and transmission abroad, then an annual fee of fifty dollars shall be paid. The license shall not be transferred or assigned. It shall not authorize the transaction of business at any place other than that described in the license, except with the written approval of the bank commissioner. If authority is given to any licensee to transact the business described in the license at more than one place of business the licensee shall pay annually an additional fee of five dollars for each additional place of business so authorized. Immediately upon the receipt of the license issued by the bank commissioner, the licensee named therein shall cause the license to be posted and at all times conspicuously displayed in the place of business for which it is issued, so that all persons visiting such place may readily see the same. It shall be unlawful for any licensee to post the license or to permit the license to be posted upon premises other than those designated therein or those to which it has been transferred with the written approval of the bank commissioner, or knowingly to deface or destroy any such license. The money and securities deposited with the treasurer and receiver gen-

Issue of
license, etc.

License not
to be trans-
ferred, etc.

Money de-
posited to
constitute a
trust fund.

Money deposited to constitute a trust fund.

eral as herein provided, and the money which in case of default shall be paid on the aforesaid bond by any licensee or the surety thereof, shall constitute a trust fund for the benefit of such persons as shall deliver money to the licensee for safe-keeping or for the purpose of transmitting the same to foreign countries, and such beneficiaries shall be entitled to an absolute preference as to such money or securities over all general creditors of the licensee. The license shall be revocable at all times by the bank commissioner for cause shown, and in the event of such revocation or of a surrender of the license, no refund shall be made in respect of any license fee paid under the provisions of this act. Every license shall be surrendered to the bank commissioner within twenty-four hours after notice in writing to the holder that the license has been revoked. In case of the revocation of the license, the money and securities and the bond, if there be one, shall continue to be held by the treasurer and receiver general for a period of one year from the date of the revocation of the license unless otherwise directed by the order or judgment of a court of competent jurisdiction. Whenever a person, partnership, association or corporation shall be granted a license to carry on only the business of receiving deposits of money for safe-keeping, or only that of receiving deposits of money for the purpose of transmitting the same or equivalents thereof to foreign countries, the condition of the bond required by section one of chapter three hundred and seventy-seven of the acts of the year nineteen hundred and seven may be the faithful holding or repayment of the money deposited or the faithful holding and transmission of the money or equivalents thereof, respectively, instead of the condition described by said section one. The sum of the bond shall be liable at any time to be increased in such amounts as shall be shown by the examination to be necessary.

1907, 377,
§ 4, amended.

SECTION 2. Section four of chapter three hundred and seventy-seven of the acts of the year nineteen hundred and seven is hereby amended by striking out at the end thereof the words "The proper charges incurred by reason of any such examination shall be paid by the person, partnership, association or corporation concerned."

Approved April 29, 1911.

AN ACT RELATIVE TO INFORMATION FILED WITH THE TAX COMMISSIONER IN CONNECTION WITH THE ASSESSMENT OF TAXES UPON LEGACIES AND SUCCESSIONS. *Chap. 359*

Be it enacted, etc., as follows:

SECTION 1. Papers, copies of papers, affidavits, statements, letters and other information and evidence filed with the tax commissioner in connection with the assessment of taxes upon legacies and successions, except inventories filed with the tax commissioner under the provisions of section thirteen of Part IV of chapter four hundred and ninety of the acts of the year nineteen hundred and nine, as amended by section five of chapter five hundred and twenty-seven of the acts of the year nineteen hundred and nine, shall be open only to the inspection of persons charged or likely to become charged with the payment of taxes in the case in which such paper, copy, affidavit, statement, letter or other information or evidence is filed, or their representatives, and to the tax commissioner, his deputy, assistants and clerks and such other officers of the commonwealth and other persons as may, in the performance of their duties, have occasion to inspect the same for the purpose of assessing or collecting taxes.

Assessment of taxes upon legacies and successions, etc.

SECTION 2. Nothing in this act shall be construed as limiting the duties imposed upon the supervisors of assessors by section six of Part III of chapter four hundred and ninety of the acts of the year nineteen hundred and nine, or as prohibiting the use of such papers, copies, affidavits, statements, letters and other information and evidence in legal proceedings involving the assessment, collection or abatement of taxes.

Authority of supervisors of assessors not limited.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1911.

AN ACT TO INCORPORATE THE BOSTON INDUSTRIAL DEVELOPMENT COMPANY. *Chap. 360*

Be it enacted, etc., as follows:

SECTION 1. George S. Smith, James A. McKibben and David F. Edwards, their associates and successors, are hereby made a corporation without capital stock for the term of ten years from the passage of this act, by the name of the Industrial Development Company of the Boston Chamber of

Boston Industrial Development Company incorporated.

Commerce, for the purpose of assisting financially or otherwise new and existing industries in the commonwealth. Except as may otherwise be provided herein, the said corporation shall have all the powers and privileges and shall be subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force applicable to business corporations: *provided*, that nothing herein contained shall authorize the corporation to do any form of banking business or of insurance business, or to act in any manner as a public service company.

Proviso.

Corporation
may endorse
notes, etc.

Provisos.

SECTION 2. To carry out its purposes the corporation may endorse notes of persons, partnerships, voluntary associations or corporations, with or without security: *provided*, that the total amount of notes so endorsed and outstanding at any one time shall not exceed one million dollars; and *provided, further*, that no note for an amount less than one thousand dollars shall be endorsed by the corporation. The corporation may acquire, hold and sell such real estate and personal property as is necessary for the conduct of its business, *provided*, that it shall not own at any one time real estate exceeding five hundred thousand dollars in value.

By-laws.

SECTION 3. The corporation may make by-laws not inconsistent with law for the government and regulation of its affairs and may provide by such by-laws that its membership may include persons, partnerships, voluntary associations or corporations. The corporation may, conformably to its by-laws, make contracts with its members or with any other persons, partnerships, voluntary associations or corporations, said contracts to provide that such members or other persons, partnerships, voluntary associations or corporations do guarantee respectively the endorsements of the corporation to such amounts as are stated in said contracts, and the total liability of any member or of any other person, partnership, voluntary association or corporation for the endorsements of the corporation shall be limited to the amounts stated in their respective contracts. From time to time, as the directors of the corporation may determine, the corporation may pay to the persons, partnerships, voluntary associations or corporations which have made contracts with it, according to the provisions of this section, any or all profits made by it in the transaction of its affairs. All the books, accounts, contracts, notes, securities and other documents owned by or in the custody of the corporation, or held by the corporation as collateral security shall be open

to the inspection of the commissioner of corporations at such times as he may deem necessary.

SECTION 4. At the expiration of this charter, or prior thereto if the corporation desires to close its affairs, the assets of the corporation, after the payment of its debts and liabilities, shall be equitably distributed among such members and other persons, partnerships, voluntary associations or corporations as have made with the corporation contracts of guaranty authorized by the preceding section.

Assets of corporation to be distributed when affairs are closed.

SECTION 5. This act shall take effect upon its passage.

Approved April 29, 1911.

AN ACT RELATIVE TO CASH SURRENDER VALUES, PAID-UP INSURANCE AND EXTENDED INSURANCE ON PRUDENTIAL AND INDUSTRIAL INSURANCE POLICIES.

Chap. 361

Be it enacted, etc., as follows:

SECTION 1. After premiums have been paid for three full years on any policy of prudential or industrial insurance, issued by a domestic company, after the thirty-first day of December, nineteen hundred and eleven, then, in case of failure to pay any subsequent premium, the policy shall be binding upon the company from the date of default, without any further stipulation or act, as extended term insurance for its face amount, from the date to which premiums have been paid, for such term as will be purchased at the attained age of the insured by a net single premium which shall be the full reserve on the policy at the end of the last policy year for which the premiums were paid in full, plus a proportionate part of the increase in the reserve of the succeeding year for each additional thirteen weeks' premium paid, computed upon the mortality and interest assumption on which the company elects to reserve as prescribed by the laws of this commonwealth, less an amount not exceeding two and one half per cent of the sum insured, and less any indebtedness to the company on the policy, or secured thereby.

Cash surrender values, etc., of certain insurance policies.

SECTION 2. After premiums have been paid for five full years upon any such policy of prudential or industrial insurance, the holder thereof, in case of any default in the payment of a subsequent premium, may, by writing filed with the company at its home office, within the term of extension and not later than thirteen weeks from the date to which premiums have been paid, elect in lieu of extended insurance, (1) to surrender the policy to the company and receive in exchange

After five full years payment of policy, holder may elect to receive a paid-up policy, etc.

therefor a paid-up policy of not less value according to the mortality and interest basis aforesaid, payable at the same time and on the same conditions as the original policy, or (2) to surrender the policy with the assent of the person to whom it is payable, and receive its value in cash within sixty days after the demand therefor, which surrender value shall be equal to the net single premium computed in the manner above provided in the case of extended insurance. Any such policy of prudential or industrial insurance which under the provisions hereof shall, after five years from its original date of issue, become extended insurance, or a paid-up policy, shall have a cash value which shall be its net value at the date of the application therefor, less any indebtedness to the company then existing thereon or secured thereby, and which the holder thereof may, with the written assent of the person to whom the policy is payable, claim and receive in cash within sixty days after written demand therefor.

Notice of
lapse of
policy, etc.

SECTION 3. Within ninety days after the lapse of any such policy of prudential or industrial insurance, on which any of the foregoing options have become available and upon which settlement has not been made, and which does not contain a table showing in figures the extended insurance, paid-up insurance and cash surrender values available as herein provided, the company shall send a notice thereof to the last known address of the insured stating the term of extension, and the amount of the paid-up insurance, and the amount of the surrender value. The affidavit of any officer, clerk, or agent of the company, or any one authorized to mail such notice, that the notice required herein was duly mailed by the company, shall be presumptive evidence that such notice was duly given.

Time of
taking effect.

SECTION 4. This act shall take effect on the thirty-first day of December in the year nineteen hundred and eleven.

Approved April 29, 1911.

*Chap.*362 AN ACT TO ESTABLISH A PART OF THE BOUNDARY LINE BETWEEN THE TOWNS OF BELMONT AND WATERTOWN.

Be it enacted, etc., as follows:

Boundary
line between
the towns of
Belmont and
Watertown.

SECTION 1. The following described line shall hereafter be in part the boundary line between the towns of Belmont and Watertown: — Beginning at a granite monument standing at the western terminus of the southerly line of Belmont street as relocated and established by the county commis-

sioners of the county of Middlesex, by their return and order made on the fourteenth day of June, eighteen hundred and ninety-eight, and described in chapter three hundred and seventy-eight of the acts of the year nineteen hundred and three; thence running westerly, following the southerly line of Belmont street, as relocated by said county commissioners by their decree dated the eighteenth day of June, nineteen hundred and ten, to a granite monument standing near Lexington street and marking the southern terminus of the existing line between the towns of Belmont and Watertown, and thence running south thirty-four degrees, thirty-four minutes east, true bearing, twenty-three hundred sixty and eighteen one hundredths feet from the corner of said towns and the city of Waltham. Said new southerly line of Belmont street is shown on a plan on file in the office of the county commissioners of the county of Middlesex, entitled "Plan of Belmont street, Belmont, as ordered by the county commissioners June 18, 1910."

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1911.

AN ACT TO DISSOLVE CERTAIN CORPORATIONS.

Chap. 363

Be it enacted, etc., as follows:

SECTION 1. Such of the following named corporations as are not already legally dissolved, are hereby dissolved, subject to the provisions of sections fifty-two and fifty-three of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three: —

Corporations dissolved.

A. Baab & Co., Incorporated
 A. F. Murphy Die and Machine Company
 A. G. Pease Company
 A. Guerini Stone Company
 A. H. Bliss Company
 A. H. Whitney Association, Inc.
 A. M. Richards Building Moving Company
 A. P. Wentworth & Co., Inc.
 A. R. Cushman Company
 A. Shepard, Inc.
 Acme Jewelry Company
 Acme News Co.
 Adalian Oriental Rug Company
 Adams Motor Transfer Company

Corporations
dissolved.

Aetna Heating Company
Aetna Shoe Syndicate, Incorporated
Aitken Company, The
Aitta Co-operative Grocery Company
Ajax Electric Manufacturing Co.
Alberts Company, The
Alden Bryant Company
Alden Sampson Manufacturing Co.
Alexander Duncan Co.
Algonquin Motor Car Company
Altshuler Manufacturing Company
American Canned Products Company
American Cigar Company
American Coil Company
American Cotton Company
American Drug Box Company
American Foundry Company
American Live Poultry Co.
American Nitrate Company
American-Portugues Merchandise Company, The
American Poultry Car Company
American Rusks Company
American Securities & Transfer Company
American Steam Superheater Company
American Transportation Supply Company
Amusement Construction Company
Anderson Textile Manufacturing Company
Angels Marble Company
Applied Arts Company, The
Apponagansett Company
Archibald Manufacturing Company
Arkansas Trap Rock Company
Arms Manufacturing Company, The
Arnaldo Fiasconi Company
Arthur C. Harvey Company, The (1894)
Arthur C. Stern Company
Ascutney Lumber Co., The
Atlantic Glue Company
Atlantic Machine Company
Atlantic Stove & Manufacturing Company
Atlantic Tea Company
Atlas Jewelry Company
Automatic Bottle Blacking Company
Automatic Target Alley Company

Automobile Coaching Company, The
 Automobile Reference Bureau, Inc.
 Back Bay Medical and Turkish Baths, Incorporated,
 The
 Bailey Automobile Company
 Balfour Manufacturing Company
 Bangs Peat and Coke Company, The
 Barkine Manufacturing Company
 Bartels-Hyde Supply Company
 Bay State Art Company
 Bay State Auto Company
 Bay State Brass Co.
 Bay State Caloric Bath Company
 Bay State Co-operative Bench Show Association, The
 Bay State Gas Company, The
 Bay State Hard Plaster Company
 Bay State Ornamental Iron & Wire Works
 Bay State Press
 Bay State Saw & Machine Company
 Bay State Shoe and Leather Company
 Bay State Underwear Mfg. Co.
 Beachmont Drug Company
 Beacon Loan Company
 Beacon Park Amusement Company
 Beacon Taxi-Cab Co.
 Bell Finding Company
 Benedict Specialty Co.
 Bennett Bros. Gas Engine Co.
 Bennison Company, The
 Berkshire Baking Company
 Berkshire Cycle & Automobile Company
 Berkshire Manufacturing Company
 Berkshire White Lime Company
 Bernard Billings Company
 Blaney, Campbell Company, Inc.
 Bliss Manufacturing Company
 Blue Ribbon Laundry Company
 Boothby Hospital, The
 Boston and Gloucester Construction Company
 Boston Art Silver Plate Company
 Boston Auto Light Company
 Boston Automatic Dish-washer Company
 Boston Branch (Incorporated)
 Boston Camera Exchange, (Inc.)

Corporations
dissolved.

Corporations
dissolved.

Boston Coffee Company
Boston Coked Peat Company
Boston Company, The
Boston Co-operative Flower Growers Association, The
Boston Counter Company
Boston-Cranston Coal Company
Boston Curtain Mnfg. Co.
Boston Dress Stay Company
Boston Druggists' Supply Company
Boston Excursion Steamship Company
Boston Exploration Company (1898)
Boston Garbage Can Company
Boston Gas Light Company
Boston Hardware Specialty Co.
Boston Herald Company, The
Boston Hosiery Company
Boston Improvement Co., The
Boston Machine Knife Company
Boston Paint Company
Boston Railway News and Restaurant Company, The
Boston Sanitary Disposal Company
Boston Sculpture Company
Boston Sheepskin Company
Boston Sight Seeing Auto Company
Boston Theatre, The Proprietors of the
Boston Trust Associates, Incorporated
Bostonian Amusement Company, The
Bourne and Co., Incorporated
Bowden Felting Mills Company
Bowman-Carr Company
Bright and Howes, Incorporated
Brightwood Brick Company
Bristol County Drug Company
Bristol County Express Co.
Broadway Hardware Company
Brockton, Campello and Boston Express Company
Brockton Co-operative Association
Brockton Folding Machine Company
Brockton National Shoe Co.
Brockton Storage Warehouse Company
Brookline Gas Light Company
Brookline Hardware Company
Brown Mercerizing Company
Buena Vista Fruit Company

Corporations
dissolved.

Bullock Laundry Company
 Burns Worcester Company
 Business Builder Publishing Company, The
 Butler Auto Supply Company
 Buzzell Heat & Light Generator Company
 C. A. C. Axe Company
 C. B. Williamson Company
 C. E. Ball Drug Company, The
 C. F. Sheckleton Company
 C. H. Buck Painting Company, The
 C. S. Cummings Company
 C. W. Moore Leather Company, Incorporated, The
 Cain Wine & Spirit Company
 Cape Ann Granite Railroad Company, The
 Carmel Tea & Coffee Company
 Carter and Cooley Company
 Carter Wooden Ware Company
 Caton Bros., Co.
 Cavanaugh Company
 Celt Publishing Company, The
 Central Express Company
 Central Inter State Express Company
 Champion Igniter Company
 Chapman Trap Nest Company
 Charles B. Barnard Company
 Chas. C. Phillips, Incorporated
 Chas. E. Hall Co.
 Charles River Garage Company
 Charles River Power Company
 Charles Waugh Company
 Cheewawbeek Farm, Incorporated
 Chelsea Distributing Company
 Chelsea Moulding Company
 Chester S. Morrison Co.
 Churchill Company, The
 Citizens' Inter-State Express Company
 Cleaveland Securities Company
 Clemson-Bailey Company
 Cobb-Eastman Company, The
 Cochituate Oil Proof Co.
 Coin Control Scissors Sharpening Company, The
 Collins Drug Company
 Colonial Furniture Company, The
 Coman Drug Company, The

Corporations
dissolved.

Commonwealth Motor Car Company
Concrete Power Block Company
Coney Island Motor Boat Company
Consolidated Cranberry Company, The (1904)
Consolidated Gas Incandescent Light Company
Consumers Gas Company of Boston
Consumers Universal Supply Company
Continental Waste Company, Incorporated
Cook-Perkins Tack Company
Coolidge Refrigerator and Car Company
Co-operative Candy Company
Co-operative Coal & Wood Company, The
Co-operative Loan Company, The
Co-operative Realty Company
Co-Op. Stain and Blacking Company
Corperdix Paper Tube Company
Costello-Linsky Company
Cotter's Express Corporation
Craftsman Press, Inc.
Craig and Craig Company
Crescent Gardens Amusement Company
Crowell Cold Storage Company
Crowell, Goldsmith & Knox, Incorporated
Crown Hair Cloth Company, "Incorporated"
Crown Hat Fastener Company
Crystal Lake Farm Dairy Co.
Crystal Sweet Company
Cullen Horseshoeing Company
Currier and Campion Company
Cushman Motor Company
Cut Price Cloak Company
Cyrus T. Clark Company
D. R. Jones Company
Daly Luncheon Company, The
Daniels-Gleason Company
Danvers Carriage Company
Davis Interstate Express Company
Dawson Manufacturing Company
Dawson's Express Company
De Forge-Le Colst Shirt Company
Delta Mining Company
Dennis & Scott, Inc.
Detachable Twin Rubber Heel Company
Dinsmore Express Company

Corporations
dissolved.

Disappearing Window Screen Company, The
 Dizer-Copeland Company
 Dr. Reed Cushion Shoe Company (Incorporated)
 Dodge Sander Company, The
 Don Shoe Company
 Dorchester Gas Light Company
 Double Weather Strip and Sash Adjuster Company, The
 Douglas-Crawford Press, The
 Dover Express Company
 Dunn & Co., Inc.
 Dunster Café Company
 Duplex Sheet and Plate Company
 Durant Company
 Dyer Axle Lock Nut Company
 E. A. Smith Company, Inc.
 E. C. Bliss Manufacturing Company
 E. D. Shadduck, Incorporated
 E. F. McLean Company
 E. L. Wood Box Company, The
 E. M. Phillips Lumber Co.
 E. W. Sprague & Co., Inc.
 Ease Company, The
 East Boston Manhattan Market Company
 East Gloucester Ferry Company
 East River Engineering Company
 Eastern Avenue Coal Company
 Eastern Casing Company
 Eastern Chicle Company
 Eastern Drafting Co.
 Eastern Dress Goods Company
 Eastern Hotel Company
 Eastern Pneumatic Tire Company
 Eastern Powder Company
 Eastern Rag and Metal Company
 Eastern Webbing Company
 Eastern Worsted Company
 Easton Company, The
 Edgartown Hotel Company
 Edward Heffernan Company
 Edwardes and Mitchell Electric Company
 Eisenberg Iron and Metal Company, Incorporated
 Electrical Advertising Company
 Electrical Construction Company, The
 Elizabeth Poole Mills

Corporations
dissolved.

Ellis & Harris Company
Elmer A. Gore Company
Elmwood Pharmacy, Incorporated, The
Emery Bemis & Co., Inc.
Empire Freezer and Cooling Co.
Empress Curtain Mills Company
Enterprise Specialty Manufacturing Company, The
Enterprise Transportation Company
Equitable Supply Company
Erickson Electric Equipment Company
Essex Inter-State Express Company
Essex Supply Company
Euclid Tailor Parlors, Inc.
Eureka Leather Company
Eureka Manufacturing Company
Eureka Oil Company
European Tobacco Company
Evans Slate Company
Everett Gas Company
Everett H. Davis Company
Everett Independent Publishing Company
Excel Leather Company, The
Excelsior Inter-State Express Company, The
Excess Indicator Company
F. A. Bassette Company, The
F. E. Cottle Company
F. P. Baker Moulding Company, The
Fairmount Interstate Express Company
Fairmount Park and Hotel Company
Falkson Cohen Company
Falvey Brothers Company
Farnum-Hanscom Company, The
Faulkner Express Company
Finnish-American Trading Co.
Fitchburg Granite Company, The
Fitchburg Manufacturing Company
Fitzgibbon Mica Company
Fitzgerald Transportation and Storage Warehouse Com-
pany
Flanders Company
Flashman Bros., Inc.
Folsom Tea Co.
Forest Lumber and Manufacturing Co.
Frank Tenney Company, The

Corporations
dissolved.

Franklin Press, Incorporated, The
 Franklin Remedy Company
 Franklin Square Garage Co.
 Frederick W. Rodgers Company, Inc.
 Frederick W. Storck Company
 Fredrik Peterson Co.
 Freeman Brothers Company
 French American Supply Association
 French Carriage Company, The
 French Leather Novelty Company
 Fuller Company, The
 Fuller Shoe Company, The
 G. Fleury, S. Wienert and Company, Inc.
 G. N. Pilalas and Company, Incorporated
 G. S. & A. J. Howe Company
 Galusha Gas Power Co.
 Gardella Express Company
 Geisel Automobile Station, Incorporated
 General Automobile Company
 George A. Howe Co., The
 George Close Company, The (1897)
 Geo. D. Jewett Bag Company, The
 George F. Mooney Company
 George H. Sibley Company
 George L. Kerr Co.
 George Martin Confectionery, Inc., The
 George R. Rucker Company
 George S. Tarbell Company
 Gilman School, Incorporated, The
 Gilman Talc Mines (Incorporated)
 Gilmore Brick Company
 Globe Mattress Manufacturing Company
 Gloucester Interstate Express Co.
 Golden Sheaf Mining and Milling Company
 Golden West Cafeteria Company, The
 Gordon Automobile Supply Company
 Grafton Inter-State Express Company
 Grange Publishing Company, The
 Granite Wharf Marine Railway
 Greater Boston Illuminating Company
 Green Mountain Lumber Company
 Greene Shoe Company
 Groton Ice Company
 Grout Bros. Automobile Company

Corporations
dissolved.

Grover Drug Company
Guaranty Trust of Boston (Inc.)
Gulliver Lacing Stud Company
Guptill Company, The
H. C. & C. D. Castle (Incorporated)
H. F. Keyes Wagon Company
H. V. Lewis Leather Company
Hall and Hancock Company
Hall-Bardwell Co.
Ham & Carter Company
Ham & Carter Co., Inc.
Hamilton Life Preserver Company
Handicraft Shop, The
Hanover Printing Co.
Hanson Gas and Electric Company
Harding Knitting Company
Harmon Loan & Securities Co.
Harriman Webbing Company
Harry M. Farnam Company
Hartland Lumber Co., The
Harvard Correspondence Schools, Inc.
Harvard Ice Cream Cone Company, The
Harvey C. Wheeler Company
Hastings Wharf Company
Hatch Express Company
Haymarket Construction Company
Hendee Manufacturing Company (1898)
Henderson Trapocrete Company
Henneman Coffee Roaster Co.
Hereules Tire Company
Hewett Lunch Co.
Hewitt Express Company
Highland Foundry Company (1876)
Holland Box Company
Holland Electric Company
Home Culture Club
Home Securities Company
Homer Emerson Company, The (1905)
Horace K. Turner Corporation
Houghton Web Co.
Howard Moving Picture Company, The
Howe Paint & Color Works
Hudson Inter-State Express Company
Humane Horse Equipment Company

Hunt Leather Goods Co.
 Hunt Manufacturing Company
 Hygenia Brush Company (1909)
 Hyland Mattress Co., Incorporated
 Imperial Shoe Manufacturing Co.
 Incorporated Law Association, The
 Independent Cash-Carrier Company
 Independent Cloak Company
 Independent Grocery Corporation
 Independent Inter-State Express Company
 Inn Company
 International Manufacturing Company
 International Seed and Bulb Supply Company
 Interstate Express Co. of Fall River, The
 Investment Corporation, The
 J. A. Cloutier Co.
 J. B. Raymond Company
 J. Brest Company
 J. E. Hill Company, The
 J. F. Wright Shoe Company, The
 J. G. Phinney Counter Co.
 J. H. Williams Wall Paper Company, The
 J. Holbrook & Sons Company
 J. J. Slattery Company
 J. M. Howard and Son Company
 J. P. Cunningham Company, Incorporated
 J. S. Nelson & Son Shoe Company
 J. Shlain Company
 J. T. Saunders Company
 J. W. Griffin Company
 J. W. Moore Company, The
 Jackson Automobile Company of Boston
 Jackson Patent Shell Roll Corporation, The
 Jackson Wire Mfg. Co.
 Jamaica Plain Gas Light Company
 James Flynn Architectural Iron Works Company
 James H. Whittle Company
 James N. Stuart Co.
 James Tucker Company
 James Wheelock Home for Little Strangers, The
 Jarvis Engineering Company (1883)
 Jersey Cloth Company, The
 John E. Sullivan Shoe Company
 John R. Poole Company

Corporations
dissolved.

Corporations
dissolved.

Johnson Mining Company
Johnston & Lindsay Inc.
Jones Law Corporation
Jordan and Bradley (Inc.)
Jules & Frederic Company
K. & T. Manufacturing Company, Incorporated
K. G. Laham & Company, Inc.
Karnak Chemical Company
Keilty Company, The
Kent Street Laundry Company
Kerr-Stockbridge Company
Kettelle School of Arts and Industries, Inc., The
Kettle Brook Stone Company
Kiernan Manufacturing Company, The
Kingman Shoe Company
Kline Kar Automobile Company
Kline-Richards Company
Knowlton Packing Company (Incorp.)
L. Erikson Electric Company
L. M. Bowes Company (1904)
L. M. Glover Co.
L. R. Sweatland Company, The
Lafayette Express Company
Lake Pleasant Hotel Corporation
Lambros Amusement Company
Laurel Lake Hotel Company
Lawrence Athletic Association
Lawrence Coal Company
Lawrence Machine Company (1886)
Le Baron Foundry Company
Leominster Company, The
Leonard Thompson Coal Co.
Liberty Manufacturing Co. Inc.
Liberty Tobacco Company
Lincoln Trust Corporation
Lion Drug Company
Listed Securities Corporation
Lister-Noble Roller Company
Logan, Swift and Brigham Envelope Company
London Shop, Inc.
Loring Speed Gauge Co.
Lothrop and Walker Company
Lott-English Furniture Company
Loveland Shoe Company, The

Corporations
dissolved.

Lowell Baseball Association
 Lowell Taxicab Company
 Lozier Sales Company of Boston
 Luce Law Corporation
 Ludlow Coöperative Company
 Lynde Brothers Box Co.
 Lynn Union Co-operative Bakery, Inc.
 M. D. Vaughn Company
 M. Goldenberg Company
 M. L. Morton Company
 M. M. Barry Co.
 MacDonald Manufacturing Company
 Machine-Molded Brass Casting Company
 Maclean & Power, Incorporated
 Mac Lillie & Co. Inc.
 Majestic Coffee Mills
 Malden Co-operative Express Company
 Manley Company, The
 Mansion Inter-State Express Company
 Manufacturers' Sample Shoe Co.
 Marlboro Base Ball Association
 Marshall Machine & Pattern Company
 Martell Motor Car Company
 Martin Iron Works, The
 Marx Pianophone Company
 Massachusetts Banking and Mortgage Company
 Massachusetts Brick Company
 Massachusetts College of Commerce, Incorporated
 Massachusetts Cotton Yarn Company
 Massachusetts Law and Adjustment Company
 Massachusetts Magnetic and Botanic Institute, Incorporated
 Massachusetts Pipe Line Gas Company
 Massachusetts Securities Company
 Massachusetts Steel Casting Company
 Mayer & Mack Amusement Co.
 Mayflower Worsted Mills
 McCahill Soda Fountain Company
 McDonald-Murphy Company, Incorporated
 McGinniss Company, The
 McWeeny Dry Goods Co., The
 Mechanics Loan Co., The (1898)
 Mellen Express Company
 Melzer-Miller Manufacturing Company

Corporations
dissolved.

Menashi, Khoury Company, The
Mercantile Monthly Company, The
Mercantile Trade Exchange, Inc.
Merchant's Inter-State Express Company
Merchants Mill
Merchants Salvage and Adjustment Company, The
Merchants Transfer Co.
Metropolitan Color Printing Company
Middlebury-Vermont Marble Company
Middlesex Building Company
Milford Steam Heat, Power and Refrigeration Company
Milford Stone Company, The
Millbury Electric Company
Military Press Association
Millen & Bailey, Incorporated
Miller, Franklin & Stevenson (Inc.)
Milton Polished Cast Stone Company
Minard Engraving Company
Miracle Stone Company of Brockton
Modern Foundry Company
Modern Inter-State Express Company
Modern Motor Manufacturing Company
Moist-Proof Concrete Block Company
Monarch Sales Company
Monitor Manufacturing Company
Morcombe Construction Company, The
Moretown Tale Co.
Morgan Envelope Company, The
Morgan Motor Company
Morrison Company, The
Most Famous Publishing Company, The
Motor Transportation Company
Mrs. Wilson, Incorporated
Mystic Lumber Company
N. M. Quint Co.
N. Richardson Sons Manufacturing Company
Nantasket Amusement Company
Nantucket Gas and Electric Company
Nashua Publishing Company (Inc.), The
Natick and Needham Street Railway Company
National Art Metal Company
National Dock and Warehouse Company
National Electric Heating Company
National Electric Manufacturing Company

Corporations
dissolved.

National Fruit Products Company, The
 National Fur Company, The
 National Hat & Cap Co., Inc., The
 National Hotel Company, The
 National Ice Co.
 National Inter-State Express Company of Westboro, The
 National Machine and Engine Company
 National Nitro-Culture Company
 National Shoe Stores, Inc.
 National Soda Fountain Company
 National Theatrical Booking Association
 New Bedford & Providence Express Co.
 New Bedford Baseball and Athletic Association
 New Bedford Cranberry Company
 New Bedford Express Co.
 New England Chemical Co.
 New England Cigar Box Company
 New England Coal Company (1904)
 New England Dyna-Battery Company
 New England Fenestra Company
 New England Fire Proofing Corporation
 New England Manufacturers Association (1903)
 New England Manufacturers Association (1906)
 New England Motor Company, The
 New England Portrait Company
 New England Potato Association
 New England Publicity Bureau, Inc.
 New England Publicity Company
 New England Sales Company
 New England Steel Casting Company
 New England Tobacco Company
 New England Waste Cleaning and Oil Extracting Com-
 pany
 New Home Sewing Machine Company (1869)
 New Marshall Engine Company, The
 Newbury Stable Company
 Newburyport Amusement Company
 Newman the Shoeman, Incorporated
 Niles and Onthank Provision Company
 Niola Mining Company, Limited
 Nodekay Products Company
 Nonpareil Athletic Club
 Normandin Clothing Company
 North Adams Print Works

Corporations
dissolved.

Norton Door Check Co.
Norwood Light & Power Company
Nousu Co-operative Store Company
Nuidea Enterprises, Inc.
O. P. Shattuck & Son Company
Oak Hall Clothing Company
Oak Hill Nurseries
Oak Island Grove Company, The
Oakbirch Park Corporation
Old Colony Light Company, The
Old Corner Pharmacy, Inc., The
Old Hickory Mining Company
Oldrich Paint & Chemical Company
Olive Branch Shoe Corporation
Opportunity Press, Inc.
Original Boston Automatic Lunch Company
Ossipee Granite Company
Ozark Live Stock Company
P. J. Evans Co.
Park Outfitting Company, Inc.
Park Square Amusement Co.
Parry-Boston Company, The
Pastime Amusement Company, Incorporated, The
Paul System Company
Peabody Granite Company
Peabody Publishing Company
Peabody Supply Company
Peabody Suspender Trimmings Co.
Peerless Leather Goods Company
Peoples Coal, Ice and Lumber Company
Peoples Combination Clothing Company
People's Law Firm, Incorporated
People's Legal Company
Pepsi-Cola Bottling Co. of New England
Perfection Manufacturing Company
Peru Lumber Company
Phoenix Interstate Express Company
Photo Supply Company
Pieced Stay Machinery Company
Pilgrim Foundry Company
Pilgrim Rubber Company, The
Pilot Garage and Supply Company
Plaisir Theatrical Company
Plymouth Press, Incorporated, The

Corporations
dissolved.

Poole and Price Machine Company
 Poseidon Arms Hotel Company, The
 Potter Manufacturing Company, The
 Preece Amusement Company
 Press of the World Publishing Company
 Price Drug Company
 Providence Inter-State Express Company, The
 Publication, Research and Trading Company, The
 Puritan Fastener Company
 Puritan Theatre Company
 Purity Publishing Company
 Putnam Investment Company
 Putnam Motor Mfg. Co.
 Putnam Wharf and Storage Realty Company
 Quality Polish and Dressing Company
 Quincy Gas Light Company
 R. & H. Manufacturing Company
 R. D. Smith Co.
 R. E. Stocking Shipping Company, The
 R. H. Long Shoe Manufacturing Company
 R. H. Smith Manufacturing Company, The (1884)
 Rapid Transit Inter-State Express Company
 Ray-Lawson Granite Co.
 Rayner's Lunch Company
 Ray's Inter-state Express Company
 Red Cross Chlorides Company
 Red Dragon Company, The
 Reed and Goldings Company
 Regal Comb and Novelty Company, Inc.
 Reilly Transportation Company
 Reith & Wesner Company
 Reliable Manufacturing Company
 Remkol Company
 Revere Beach Merry-Go-Round Company, The
 Revere Drug Company
 Revere Roller Coaster Company, The
 Revere Rubber Company
 Reynolds Machine Company
 Reynolds Sponge Company
 Richard L. Bowser Company
 Richard Smart Carpet Cleaning Co.
 Riddle Company, The
 Riverdale Mills, The
 Rockdale Concrete Company

Corporations
dissolved.

Rose Publishing Company
Rotary Labeling Machine Selling Company
Roxbury Gas Light Company
Royal Standard Slate Co.
Royal Textile Company, The
Rufus Crowell Company
Russell Lumber Company
Ruth Manufacturing Company
S. A. Shurtleff Company
S. Goldberg Company
S. J. Todtman Company
S. Shapiro Company
Salem Barrel Company
Salem Box Company, The
Salem Dispatch Company, The
Salem Kosher Meat Co.
Salt "O" Nut Company
Sampson Press, Inc., The
Sanford Mills Company
Sanitary Laundry Company
Santa Catarina Mining and Milling Company of Massa-
chusetts
Sargent Ice Company
Scandia Corporation, The
Scherrer Manufacturing Company
Schubert Cigar Company
Seamans & Cobb Company
Sears Shoe Company
Securities Holding Company
Security Express Company
Shawmut Finishing Company
Sheafe Manufacturing Co., The
Sherry Shoe Company
Shoe City Interstate Express Company
Sholer Business Building Service, Inc., The
Shore Line Inter-State Express Company
Shove and Gage Company
Shredded Leather Manufacturing Company, The
Smalley Jar Company
Smith Countershaft Company, The (1904)
Smith-Julian Company
Smith, Mulliken Co.
Somerville Sun Publishing Company
Souhegan Valley Poultry Farm Company

South Boston Gas Light Company
 South Framingham Inter-State Express Company, The
 South Middlesex Street Railway Company
 Sprague Marsh Electric Company
 Springfield Cotton Fabrics Company
 Springfield Feldspar Company
 Springfield Flour & Grain Company
 Springfield Lock Nut and Washer Company
 Springfield Printing and Binding Company
 Springfield Shoe Repairing Company
 Squires Manufacturing Company
 Standard Brick Company, The
 Standard Emery & Polishing Wheel Company (1905)
 Standard Express Co.
 Standard Kitchen Furnishings Company
 Standard Soap Works
 State Supply Company
 Staten Company, The
 Stopford and Dodge Company
 Stoughton Mills, Inc.
 Stovnic Manufacturing Company
 Stranahan Eldridge Company
 Suburban Concrete Block Company
 Suburban Light and Power Company
 Suffolk Building Company
 Suffolk Distributing and Mailing Company
 Suffolk Lighting Co.
 Suffolk Shoe Company
 Suffolk Trust Company
 Superior Concrete Block & Brick Company
 Superior Grate Bar Company
 Superior Raincoat Company, The
 Suspension Transportation Company
 Svea Construction Company
 T. Alton Bemus Company, Incorporated
 T. Fred Lee Company
 T. H. O'Shea Leather Company
 Tacoma General Hospital Association
 Taunton Amusement Company
 Taxa Aaron Cab Co.
 Taxa-Cab Company of Boston
 Taylor Labeling Machine Company
 Tebbetts Garage & Manufacturing Company
 Textile Specialties Company

Corporations
dissolved.

Corporations
dissolved.

Thibaudeau Bakery Company
Thomas-Reeves Company
Thurell, Batchelder Company
Thurston Remedy Company
Title Research and Credit Company
Tivoli Amusement Company
Trinity Chemical Manufacturing Company
Trull Brook Farm (Incorporated)
Tunnel Tale Company
Uniao Commercial Portuguesa Company
Union Binding Company, The
Union Credit Company
Union Inter-State Express Company
United Bedding Company
United Copper Foundry Company
United Electric Apparatus Company (1906)
United States Pole Preserving Co.
Unity Manufacturing Company
University Tailors, Incorporated
Uriko Amusement Company
Vendor Manufacturing Company
Vienna Lunch Co.
Vinton Hotel Company
W. A. Frazee Company
W. & R. Motor Truck Company
W. C. King Company
W. F. Jacobs Building Company
W. H. Hill Envelope Company
W. J. Sullivan, Incorporated
W. Jay Burke Company Clothiers
W. L. Murdock Undertaking Company
W. N. Hamel Clothing Company, The
W. W. Phillips Company
W. W. Spaulding Company, Inc., The
Walpole Emery Mills
Warburton & Dover Co.
Warner Motor Company
Warren & Brookfield Electric Light Co.
Warrior Tire Shoe Company, The
Warwick Interstate Express Co.
Waverly Magazine Company
Waverly Press Corporation, The
Wayland Inter-State Express Company
Weir and Darling Company

West-Goodwin Co.

Corporations
dissolved.

→ West Somerville Laundry Company

Westboro' Brass Bedstead Co.

Weston Illuminating Company

Wheeler Brothers Company

Wheeler Clean Towel Company

Wicks Manufacturing Company

Wilder Snow-Plow & Manufacturing Company

Williams Combination Tent Company

Williamsburgh Co-operative Creamery Association, The

Williamstown Manufacturing Company

Williamstown Press Company

Wilson Shoe Syndicate, Inc.

Winchester Furniture Company, The

Winter Hill Motor Co.

Winthrop M. Baker Corporation

Women's Specialty Shop, Incorporated

Wood River Granite Company

Woodman Bros. Company

Woodman-Robbins Company

Woodville Electric Light Company

Woodward Machinery Company

Worcester Coal Company

Worcester Driving Park Company, The

Worcester Institute of Physiological Exercise

Worcester Pattern and Novelty Company

Worcester South Electric Companies

Worcester Textile Machine Company

X-Ray Toilet Manufacturing Company, The

Young's Incorporated

SECTION 2. Nothing in this act shall be construed to affect any suit now pending by or against any corporation mentioned in the first section of this act, nor any suit now pending or hereafter brought for any liability now existing against the stockholders or officers thereof, nor to revive any charter or corporation previously dissolved or annulled, nor to make valid any defective organization of any of the supposed corporations mentioned in said first section.

Pending suits
not affected,
etc.

SECTION 3. Suits upon choses in action arising out of contracts sold or assigned by any corporation dissolved by this act may be brought or prosecuted in the name of the purchaser or assignee. The fact of sale or assignment and of purchase by the plaintiff shall be set forth in the writ or

Suits upon
choses in
action.

other process; and the defendant may avail himself of any matter of defence of which he might have availed himself in a suit upon the claim by the corporation, had it not been dissolved by this act.

SECTION 4. This act shall take effect upon its passage.

Approved April 29, 1911.

Chap. 364 AN ACT TO PROVIDE FOR REMOVING OR PLACING UNDER GROUND CERTAIN WIRES AND ELECTRICAL APPLIANCES IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Removing or placing under ground certain wires, etc., in the city of Boston.

SECTION 1. In the month of January in the year nineteen hundred and twelve and in the month of January in each year thereafter to and including the year nineteen hundred and sixteen, the commissioner of wires in the city of Boston shall prescribe, and give public notice thereof, as required by section two of chapter four hundred and fifty-four of the acts of the year eighteen hundred and ninety-four, not more than three miles of main streets, avenues or highways, or parts thereof, in said city outside of the sections of the city already prescribed under the authority of said chapter four hundred and fifty-four and of chapter two hundred and forty-nine of the acts of the year eighteen hundred and ninety-eight; and prior to March first in each year from nineteen hundred and twelve to nineteen hundred and sixteen, both inclusive, said commissioner shall prescribe, and give public notice thereof, as aforesaid, not more than two miles of side streets, avenues or highways, or parts thereof, in said city outside of the sections of the city already prescribed as aforesaid, within which streets, avenues or highways, or parts thereof, all wires, cables and conductors, except feed and return wires of street railways placed or carried in or upon subways, tunnels or elevated structures, and except such other wires as are also excepted in said chapter four hundred and fifty-four, shall during that calendar year be removed or placed under ground; and said commissioner of wires shall cause the owners or users of such wires, cables and conductors to remove or place them under ground, and also to remove any poles or structures in such prescribed parts of said streets, avenues or highways used to support such wires, cables or conductors, except posts used exclusively for the support of fire alarm and police signal boxes, and such poles or posts as are also excepted in said chapter

four hundred and fifty-four, and except when, in the judgment of said commissioner, it is impracticable or inexpedient to remove such wires, cables, conductors, poles or structures.

SECTION 2. By main streets, avenues or highways in section one are meant streets, avenues or highways upon which main or trunk lines of poles, wires, cables and conductors are located; and by side streets, avenues or highways in said section are meant streets which cross or run into such main streets, avenues or highways, and upon which main or trunk lines or poles, wires, cables and conductors are not located. No side streets shall be prescribed except in connection with the main street which they cross or run into as aforesaid, and not more than one half mile of any such side street shall be prescribed in any year.

Defining streets, avenues, etc.

SECTION 3. Section one of chapter three hundred and forty-seven of the acts of the year nineteen hundred and eight is hereby repealed, the repeal to take effect on December thirty-first, nineteen hundred and eleven, but all the terms, conditions, provisions, requirements, powers, restrictions and exemptions of said chapter and of the other acts mentioned in section one thereof, not inconsistent herewith are hereby extended to and made a part of this act.

Repeal.

SECTION 4. The purpose of this act is to cause the removal, prior to January first, nineteen hundred and seventeen, of certain wires, cables, conductors and poles or structures from twenty-five miles of streets in addition to the streets heretofore prescribed under section one of chapter three hundred and forty-seven of the acts of the year nineteen hundred and eight and prior acts mentioned therein.

Purpose of act.

SECTION 5. Except as otherwise provided herein this act shall take effect on January first, nineteen hundred and twelve.

Time of taking effect.

Approved April 29, 1911.

AN ACT TO MAKE THE CITY OF CHICOPEE AND THE TOWN OF LUDLOW, IN THE COUNTY OF HAMPDEN, A MEDICAL EXAMINER DISTRICT.

Chap. 365

Be it enacted, etc., as follows:

The paragraph of section two of chapter twenty-four of the Revised Laws relating to medical examiners and districts in the county of Hampden, comprising lines fifty-four to sixty-one, both inclusive, of said section, is hereby amended by striking out the word "four", in the first line of said paragraph, and inserting in place thereof the word: — five,

R. L. 24, § 2, amended.

Medical
examiner
districts in
the county
of Hampden.

— by striking out the word “cities”, in the third line of said paragraph, and inserting in place thereof the word: — city, — by striking out the words “and Chicopee”, in the fourth line of said paragraph; by striking out the word “Ludlow”, in the fifth line of said paragraph; by striking out the word “and”, in the sixth line of said paragraph; and by inserting at the end of said paragraph the words: — and district five, of the city of Chicopee and the town of Ludlow, — so that said paragraph will read as follows: — In the county of Hampden, one in each of the five following districts: district one, composed of the towns of Brimfield, Holland, Palmer, Monson and Wales; district two, of the city of Springfield and the towns of Agawam, East Longmeadow, Longmeadow, West Springfield, Wilbraham and Hampden; district three, of the city of Holyoke; district four, of the towns of Blandford, Chester, Granville, Montgomery, Russell, Southwick, Tolland and Westfield; and district five, of the city of Chicopee and the town of Ludlow.

Approved April 29, 1911.

Chap. 366 AN ACT RELATIVE TO THE APPORTIONMENT OF THE STATE TAX.

Be it enacted, etc., as follows:

1909, 490,
§ 101, Part
I, amended.

SECTION 1. Section one hundred and one of Part I of chapter four hundred and ninety of the acts of the year nineteen hundred and nine is hereby amended by striking out the first two sentences and by inserting in place thereof the words: — Said commissioner shall cause abstracts to be prepared showing the amount of the corporate franchise value of corporations organized in this commonwealth, and of the value of shares of national banks represented by the taxes distributed according to law to each city and town, — and by adding at the end of said section the words: — and of any other information in his possession, — so as to read as follows: — *Section 101.* Said commissioner shall cause abstracts to be prepared showing the amount of the corporate franchise value of corporations organized in this commonwealth, and of the value of the shares of national banks represented by the taxes distributed according to law to each city and town. He may require from state, city and town officers such further returns and statements relative to the amount and value of taxable property in the

Abstracts of
franchise
value of
corporations,
etc.

several cities and towns as in his judgment may be necessary. He shall to the best of his judgment and discretion prepare said equalization and apportionment upon the basis of the returns and statements herein provided for and authorized, and of any other information in his possession.

SECTION 2. Chapter four hundred and forty-nine of the acts of the year nineteen hundred and nine is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1911.

AN ACT RELATIVE TO THE USE OF SCHOOL HALLS FOR OTHER THAN SCHOOL PURPOSES. Chap.367

Be it enacted, etc., as follows:

SECTION 1. The school committee of any city or town which accepts the provisions of this act may grant the temporary use of halls in school buildings upon such terms and conditions and for such public or educational purposes, for which no admission fee is charged, as the said school committee may deem wise: *provided, however*, that such use shall not in any way interfere or be inconsistent with the use of the halls for school purposes. Use of school halls for other than school purposes.
Proviso.

SECTION 2. This act shall take effect in a city upon its acceptance by a two thirds vote of the members of each branch of the city council or corresponding body of that city present and voting, and upon the approval of the mayor; and it shall take effect in a town upon its acceptance by a majority of the voters of the town present and voting thereon at an annual town meeting or at a special meeting called for the purpose. Time of taking effect.

Approved April 29, 1911.

AN ACT MAKING AN APPROPRIATION FOR THE REIMBURSEMENT OF CITIES AND TOWNS FOR LOSS OF TAXES ON LAND USED FOR PUBLIC INSTITUTIONS. Chap.368

Be it enacted, etc., as follows:

SECTION 1. The sum of thirty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purpose of reimbursing cities and towns for loss of taxes on land used for public institutions, during the fiscal year ending November thirtieth, nineteen hundred and eleven, Reimbursement of cities and towns for loss of taxes in certain cases.

as provided for by chapter six hundred and seven of the acts of the year nineteen hundred and ten.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1911.

Chap. 369 AN ACT RELATIVE TO THE USE OF PUBLIC STREETS AND PUBLIC PROPERTY IN THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

Use of public streets, etc., in the city of Springfield.

SECTION 1. The board of supervisors of the city of Springfield may require and issue licenses, subject to the provisions hereof, for the use of specified parts of public streets in that city, for the storage and sale of merchandise, for purposes necessary for the construction or repair of works or buildings, and for all other purposes requiring the opening of streets, the use thereof for commercial or advertising purposes, or for purposes causing more than the ordinary interruption or impairment of travel thereon.

Applicant for license to file a written application, etc.

SECTION 2. Any person seeking a license as aforesaid shall file with said board a written application therefor stating his name, residence and place of business. He shall describe accurately in writing, by plan or otherwise, the location, the shape and the dimensions of the space which he desires to occupy, the movable structures which he proposes to use, and the kinds of merchandise which he wishes to store and to sell. He shall submit as part of his application the written consent to the issuance of said license of the owner or owners of the premises in front of which he desires to carry on business, and of the tenants of the ground floor of such premises, if the license requested is for the sale or storage of merchandise. When the privilege for which a license is asked is to be exercised in front of the premises owned by the city of Springfield, the owner's consent herein provided for shall not be required. An applicant for a permit for the opening of the surface of a street shall state with substantial accuracy the location, shape and dimensions of the space which it is desired to open and the name and residence of the person, firm or corporation asking for the permit.

Terms of license, etc.

SECTION 3. A license issued hereunder may be for one or more days in each week, for such hours daily as said board shall in each case determine, and for any period not exceeding twelve months. The license may be renewed from time to time by said board so long as in the opinion of the board

renewal may be necessary. It may be suspended or revoked for any reason which said board shall consider sufficient. In all matters relating to street railway, lighting or telephone companies the powers herein conferred upon the board of supervisors shall devolve upon the superintendent of streets, or his assistant, and no such company shall be required to obtain a license under this act for opening streets to inspect or use mains, pipes or manholes, or for the repair of mains, pipes or conduits, or cables located in such conduits, or for opening streets for the purpose of laying conduits or building conduits under the provisions of chapter two hundred and seventy-six of the acts of the year nineteen hundred, as amended by chapter one hundred and eighty-one of the acts of the year nineteen hundred and one, or for opening streets for the erection of poles under the provisions of section two of chapter one hundred and twenty-two of the Revised Laws, as amended. The license fee for opening streets for service connections by said companies shall not exceed fifty cents for each service. No license fee shall be required from such companies for opening streets unless such streets have been laid with macadam or other paving material.

License fee.

SECTION 4. For every such license issued, and for every renewal or extension thereof, except as provided in section three hereof, said board or superintendent shall charge and the city collector shall collect in advance a fee of not less than fifty cents nor more than one hundred dollars, according to its or his estimate of the value of the privileges granted, the receipt of which fee shall be certified on the face of the license. Said board may make and collect an additional charge as rent in case of the sale or storage of merchandise whenever the licensee is not the principal tenant of the ground floor of the premises in front of which the location is granted; or whenever such tenant is the licensee but carries on in the location for which the license is issued a business which in the manner of its conduct or in the character of the merchandise which is sold differs materially from the business in which he is mainly engaged at that place.

Charge for
issue of
license.

SECTION 5. All revenue derived hereunder shall be placed to the credit of the street department, to be used for construction, repair and maintenance of the streets, roads and bridges of said city.

Revenue to
be used for
construction
of streets,
etc.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed to such extent as repeal thereof may be necessary to carry the provisions of this act into effect.

Repeal.

Penalty.

SECTION 7. A person who occupies a part of a public street in the city of Springfield, except in accordance with the provisions of this act, shall be subject to a fine not exceeding twenty dollars for the first offence and not exceeding one hundred dollars for each subsequent offence.

Approved April 29, 1911.

Chap.370 AN ACT RELATIVE TO DEEDS GIVEN BY TAX COLLECTORS.

Be it enacted, etc., as follows:

1909, 490,
§ 44, Part II,
amended.

SECTION 1. Section forty-four of Part II of chapter four hundred and ninety of the acts of the year nineteen hundred and nine is hereby amended by adding at the end thereof the words: — and if recorded within said time it shall be prima facie evidence of all facts essential to its validity, — so as to read as follows: — *Section 44.* The collector shall execute and deliver to the purchaser a deed of the land, which shall state the cause of sale, the price for which the land was sold, the name of the person on whom the demand for the tax was made, the places where the notices were posted, the name of the newspaper in which the advertisement of the sale was published, and the residence of the grantee, and shall contain a warranty that the sale has in all particulars been conducted according to law. The deed shall convey, subject to the right of redemption, all the right and interest which the owner had in the land when it was taken for his taxes, and the premises conveyed shall also be subject to and have the benefit of all easements and restrictions lawfully existing in, upon or over said land or appurtenant thereto when so taken. Such deed shall not be valid unless recorded within thirty days after the sale, and if recorded within said time it shall be prima facie evidence of all facts essential to its validity.

Deed to purchaser, etc.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1911.

Chap.371 AN ACT RELATIVE TO THE TRANSMISSION OF HIGH TENSION CURRENTS OF ELECTRICITY IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Transmission
of high ten-
sion currents
of electricity.

SECTION 1. No wires for the transmission of electricity at more than five thousand volts alternating, or ten thousand

volts direct, shall, after the thirtieth day of June, nineteen hundred and thirteen, be placed, maintained or operated in the city of Boston except under ground.

SECTION 2. The provisions of this act may be enforced as provided in section nineteen of chapter one hundred and twenty-two of the Revised Laws, and it shall be the duty of the commissioner of wires of the city of Boston to see to such enforcement.

Enforcement
of act.

Approved April 29, 1911.

AN ACT RELATIVE TO THE ISSUANCE OF SEARCH WARRANTS *Chap.372*
FOR HYPNOTIC DRUGS AND THE ARREST OF THOSE PRESENT.

Be it enacted, etc., as follows:

SECTION 1. If a person makes complaint under oath to a police, district, or municipal court, or to a trial justice or justice of the peace authorized to issue warrants in criminal cases, that he has reason to believe that opium, morphine, heroin, codeine, cannabis indica, cannabis sativa or any other hypnotic drug or any salt, compound or preparation of said substances is kept or deposited by a person named therein in a store, shop, warehouse, building, vehicle, steamboat, vessel or place other than by a manufacturer or jobber, wholesale druggist, registered pharmacist, registered physician, registered veterinarian, registered dentist, registered nurse, employees of incorporated hospitals, or those who are entitled by law to have possession of any of the above mentioned articles, such court or justice, if it appears that there is probable cause to believe that said complaint is true, shall issue a search warrant to a sheriff, deputy sheriff, city marshal, chief of police, deputy marshal, police officer or constable commanding him to search the premises in which it is alleged that such opium, morphine, heroin, codeine, cannabis indica, cannabis sativa or any other hypnotic drug or any salt or compound or preparation of said substances or any preparation containing the same is kept or deposited, and to seize and securely keep the same until final action, and to arrest the person or persons in whose possession it is found, together with all persons present if any of the aforesaid substances is found, and to return the warrant with his doings thereon, as soon as may be, to a court or trial justice having jurisdiction in the place in which such substance is alleged to be kept or deposited.

Issuance of
search war-
rants, etc.

SECTION 2. Whoever is so present where any of the aforesaid drugs is found shall be punished by a fine of not

Penalty for
being present.

more than fifty dollars or by imprisonment in the house of correction for three months.

Penalty for violation of law.

SECTION 3. Whoever, not being a manufacturer or jobber of drugs, wholesale druggist, registered pharmacist, registered physician, registered veterinarian, registered dentist, registered nurse or an employee of an incorporated hospital, or otherwise entitled by law to have possession of any of the above mentioned drugs, is found in possession thereof, except by reason of a physician's prescription, shall be punished by a fine of not more than one hundred dollars or by imprisonment for six months in the house of correction.

Approved April 29, 1911.

Chap.373 AN ACT TO AUTHORIZE THE TOWN OF WEST BROOKFIELD TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

The town of West Brookfield may supply itself with water, etc.

SECTION 1. The town of West Brookfield may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water, and fix and collect rates to be paid therefor.

May take water from certain ponds and streams.

SECTION 2. Said town, for the purposes aforesaid, may take, or acquire by purchase or otherwise, and hold the waters of any pond or stream, or of any ground sources of supply, taken by means of driven, artesian or other wells, within the limits of the town of West Brookfield, and the water rights connected with any such water sources, and may also take, or acquire by purchase or otherwise, and hold all lands, rights of way and easements necessary for collecting, storing, holding, purifying and preserving the purity of the water, and for conveying the same to any part of said town: *provided, however,* that no source of water supply and no lands necessary for preserving the quality of such water shall be taken or used without first obtaining the advice and approval of the state board of health, and that the situation of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board. Said town may construct on the lands acquired and held under the provisions of this act proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and make excavations, procure and operate machinery and provide such other means and

Proviso.

May construct dams, etc.

appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works and may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways in the town of West Brookfield, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up or raise and embank any such lands, highways, or other ways in such manner as to cause the least hindrance to public travel on such ways. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation or, in case of failure so to agree, as may be approved by the board of railroad commissioners.

SECTION 3. Said town shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district within which the same are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for. The title to all land taken or acquired in any way under the provisions of this act shall vest in the town of West Brookfield, and the land so acquired may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of said town.

Description
of lands, etc.,
taken, to be
recorded, etc.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by anything done by the town under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with said town as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within the period of two years after the taking of such land or other property

Damages.

or the doing of other injury under authority of this act; but no such application shall be made after the expiration of the said two years, and no application for assessment of damages shall be made for the taking of any water or water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under authority of this act. Said town may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages caused by such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, and in such event the town shall be further liable only for the additional damages caused by such additional taking.

Town of
West Brook-
field Water
Loan, Act of
1911.

SECTION 5. Said town, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding thirty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of West Brookfield Water Loan, Act of 1911; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four and one half per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, upon such terms and conditions as it may deem proper: *provided*, that the securities shall not be sold for less than their par value.

Proviso.

Payment of
loan.

SECTION 6. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of said bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed, until the debt incurred by said loan is extinguished.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by said town under authority of this act, shall forfeit and pay to the said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon being convicted of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in jail for a term not exceeding one year.

Penalty for pollution, etc., of water.

SECTION 8. Said town shall, after the acceptance of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act and not otherwise specifically provided for shall be vested in said water commissioners, who shall be subject however to such instructions, rules and regulations as the town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by the town at any legal town meeting called for the purpose. Any such vacancy may be filled temporarily by a majority vote of the selectmen, and the person so appointed shall hold office until the town fills the vacancy in the manner herein provided for.

Water commissioners, election, term, etc.

SECTION 9. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds, notes or scrip issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges it shall be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. No money shall be expended in new construction by the water commissioners except from the net surplus aforesaid, unless the town appropriates and provides money

Water rates, etc.

therefor. Said commissioners shall annually, and as often as the town may require, render a report upon the condition of the works under their charge and an account of their doings, including an account of receipts and expenditures.

Time of
taking effect.

SECTION 10. This act shall take effect upon its acceptance by a majority vote of the legal voters of the town of West Brookfield present and voting thereon at a legal meeting called for the purpose within three years after its passage; but it shall become void unless the town of West Brookfield shall begin to distribute water to consumers in said town within three years after the date of the acceptance of this act as aforesaid. For the purpose of being submitted to the voters as aforesaid this act shall take effect upon its passage.

Approved April 29, 1911.

Chap. 374 AN ACT RELATIVE TO THE TAKING OF FISH IN LYNN HARBOR.

Be it enacted, etc., as follows:

Taking of
fish in Lynn
harbor.

SECTION 1. It shall be unlawful to take fish by the use of sweep nets or seines in the waters of Lynn harbor between the Point of Pines in the town of Revere and Bass Point in the town of Nahant, except that between the first day of October and the first day of January following fish may be so taken: *provided*, that a permit therefor is first obtained from the harbor master of the city of Lynn.

Proviso.

Penalty.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine of not more than one hundred dollars for each offence.

Approved April 29, 1911.

Chap. 375 AN ACT RELATIVE TO THE CERTIFICATION BY THE BOARD OF EDUCATION OF HIGH SCHOOL TEACHERS IN STATE-AIDED HIGH SCHOOLS.

Be it enacted, etc., as follows:

Certification
of certain
high school
teachers, etc.

SECTION 1. After July first, nineteen hundred and twelve, no person shall be eligible to teach in a high school aided directly by the commonwealth, as provided in chapter two hundred of the acts of the year nineteen hundred and six, as amended by chapter four hundred and twenty-seven of the acts of the year nineteen hundred and eight, who does not hold a high school teacher's certificate issued by the board of education, in accordance with section two hereof.

SECTION 2. It shall be the duty of the board of education to define the conditions on which high school teachers' certificates shall be given and held, and to grant such certificates to candidates who shall be found qualified by examination or otherwise; but any person with a satisfactory record as teacher for a period of not less than six months in the high schools of this commonwealth shall be entitled to a certificate to that effect, under this act, if applied for prior to July first, nineteen hundred and twelve, but not otherwise.

Condition under which certificates shall be issued.

SECTION 3. A list of teachers holding high school teachers' certificates under this act shall be kept in the office of the commissioner of education, and shall be sent to superintendents and school committees in the commonwealth, at their request.

List of teachers to be kept by the commissioner of education.

SECTION 4. This act shall take effect upon its passage.

Approved April 29, 1911.

AN ACT RELATIVE TO THE ISSUE OF BONDS IN THE CITY OF LYNN. *Chap.376*

Be it enacted, etc., as follows:

Section thirty-seven of Part I of chapter six hundred and two of the acts of the year nineteen hundred and ten is hereby amended by striking out the last sentence, so as to read as follows: — *Section 37.* All loans issued by the city after the passage of this act shall be made payable in annual instalments in the manner authorized by section thirteen of chapter twenty-seven of the Revised Laws, as amended by section one of chapter three hundred and forty-one of the acts of the year nineteen hundred and eight.

1910, 602, § 37, Part I, amended.

Payment of loans.

Approved April 29, 1911.

AN ACT RELATIVE TO THE EMPLOYMENT OF ASSISTANTS IN THE PRACTICE OF DENTISTRY. *Chap.377*

Be it enacted, etc., as follows:

Section twenty-eight of chapter seventy-six of the Revised Laws, as amended by chapter two hundred and eighty-nine of the acts of the year nineteen hundred and five and by section two of chapter two hundred and ninety-four of the acts of the year nineteen hundred and eight and by chapter three hundred and one of the acts of the year nineteen hundred and nine, is hereby further amended by inserting after the

R. L. 76, § 28, etc., amended.

Penalty for
illegally
acting as a
dentist, etc.

word "and", in the thirtieth line, the words: — in said business employs or permits any other person to practise dentistry as above defined, unless such other person is duly authorized and exhibits his name and certificate as herein provided, or who, — so as to read as follows: — *Section 28.* Whoever falsely claims or pretends to have or hold a certificate granted by said board, or falsely and with the intent to deceive, claims or pretends to be a graduate of any incorporated dental college, or who practises dentistry without obtaining a certificate as provided in section twenty-six of this act, or who having such certificate fails to exhibit the same as required by section twenty-six, shall be punished by a fine of not less than fifty, nor more than one hundred dollars or by imprisonment for three months. Any person who owns or carries on a dental practice or business, or who by himself, by his servants or agents, or by contract with others shall perform any operation on or make examination of, with the intent of performing or causing to be performed, any operation on, the human teeth or jaws, or who shall describe himself by the word or letters "Dentist", "D.D.S.", or other words, letters, or title in connection with his name, or who shall advertise by sign, card, circular, pamphlet or newspaper, or otherwise indicate that he by contract with others, or by himself, his servants or agents, will perform any operation on or make examination of, with the intention of performing or causing to be performed, any operation on, the human teeth or jaws, shall be deemed to be practising dentistry within the meaning of this act, and unless duly authorized thereto by obtaining a certificate as provided in section twenty-six, shall be liable to punishment as above provided, and whoever in practising dentistry as above defined owns and carries on a dental practice or business, and in said business employs or permits any other person to practise dentistry as above defined, unless such other person is duly authorized and exhibits his name and certificate as herein provided, or who fails to exhibit his name as required by section twenty-six, shall for each offence be liable to punishment as above provided. The word "person", in this act shall include a corporation; and any corporation violating any provision of this act shall be liable to a fine as herein provided, and the officers of the corporation concerned in the said violation shall be liable to fine and imprisonment as above provided.

The word
"person"
defined.

Approved April 29, 1911.

AN ACT RELATIVE TO HOLDING CAUCUSES BY PRECINCTS OR *Chap.378*
IN MORE THAN ONE PLACE IN A WARD.

Be it enacted, etc., as follows:

Section ninety-seven of chapter five hundred and sixty of the acts of the year nineteen hundred and seven is hereby amended by inserting after the word "precincts", in the sixth line, the words: — or by groups of precincts in any ward, — and by striking out the words "each precinct", in the seventh and eighth lines, and inserting in place thereof the words: — every such precinct or group of precincts in any ward, — so as to read as follows: — *Section 97.* If in a city, except Boston, or town wherein elections are held by precincts, the city or town committee of either of the two leading political parties shall file with the aldermen or selectmen, at least two weeks prior to the time of holding its caucuses, a notice that such party desires to hold its caucuses by precincts, or by groups of precincts in any ward, the aldermen or selectmen shall furnish a polling place in every such precinct or group of precincts in any ward, for the use of such party, as provided in section one hundred and seventeen of this chapter, and the caucuses of such party shall be held accordingly.

1907, 560,
§ 97,
amended.

Holding of
caucuses,
etc.

Approved May 1, 1911.

AN ACT RELATIVE TO THE RETURNS TO BE MADE TO THE *Chap.379*
TAX COMMISSIONER BY CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section forty of Part III of chapter four hundred and ninety of the acts of the year nineteen hundred and nine is hereby amended by striking out the word "May", wherever it occurs in said section, and inserting in place thereof the word: — April. Said section is hereby further amended by striking out the paragraph marked "Second," and inserting in place thereof the following paragraph: —

1909, 490,
§ 40, Part
III, amended.

Second, A statement in such detail as the tax commissioner may require of the works, structures, real estate, machinery, underground conduits, wires and pipes, and of the merchandise and other assets belonging to the corporation, with the value thereof, and of the liabilities of the corporation; and in the case of domestic business corporations a statement of such assets as are without the commonwealth. Except in the case of domestic business corporations the

Statement to
tax commis-
sioner.

Filing of
return.

returns required by this section shall also contain, in a form prescribed by the tax commissioner, a statement of the profit or loss which has resulted from the business of the corporation for the twelve months ending with the thirty-first day of December next preceding the year in which the return is made. Said section is further amended by striking out the last sentence and inserting in place thereof the following: — Such return shall be filed with the tax commissioner. In the case of domestic business corporations the whole of said return, and in the case of other corporations so much of said return as relates to the profit or loss which has resulted from the business of the corporation shall be open only to the inspection of the tax commissioner, his deputy, clerks and assistants, and such other officers of the commonwealth as may have occasion to inspect it for the purpose of assessing or collecting taxes.

SECTION 2. This act shall take effect upon its passage.
Approved May 1, 1911.

Chap.380 AN ACT RELATIVE TO CRANBERRY BARRELS, CRATES AND OTHER PACKAGES.

Be it enacted, etc., as follows:

1903, 408,
§ 1, amended.

SECTION 1. Section one of chapter four hundred and eight of the acts of the year nineteen hundred and three is hereby amended by inserting after the word “be”, in the fourth line, the words: — not less than, — by inserting after the word “be”, in the seventh line, the words: — not greater than, — by striking out the words “But any barrel of different form but of the same interior capacity shall be considered a legal and standard barrel”, in the eighth and ninth lines, by inserting after the word “support”, in the thirteenth line, the words: — and shall have an interior capacity of one thousand nine hundred and eighty cubic inches; but any square or oblong crate or box of different form, but of as great interior capacity, shall be considered a legal and standard crate. It shall be lawful to use for the sale and delivery of cranberries, square or oblong packages which contain one half crate or one quarter crate: *provided*, that such packages have an interior capacity, exclusive of any partition or support, of nine hundred and ninety and four hundred and ninety-five cubic inches, respectively; by striking out the word “or”, where it first occurs in the thirteenth line, by inserting after the word “crate”, in the same line, the words: —

— one half crate or one quarter crate, — by striking out the word “crate”, in the seventeenth line, and inserting in place thereof the words: — other package, — and by striking out all after the word “unless”, in the eighteenth line, and inserting in place thereof the words: — its interior capacity is as great as the capacity herein specified for such package, — so as to read as follows: — *Section 1.* The legal and standard barrel for cranberries shall measure not less than twenty-five and one fourth inches between the heads, inside; the diameter of the head shall be not less than sixteen and one fourth inches, including the bevelled edge; the outside bilge circumference shall measure not less than fifty-eight and one half inches; the thickness of the staves shall be not greater than four tenths of an inch. The legal and standard crate for cranberries shall measure seven and one half inches, by twelve inches, by twenty-two inches, inside, exclusive of any interior partition or support, and shall have an interior capacity of one thousand nine hundred and eighty cubic inches; but any square or oblong crate or box of different form, but of as great interior capacity, shall be considered a legal and standard crate. It shall be lawful to use for the sale and delivery of cranberries, square or oblong packages which contain one half crate or one quarter crate: *provided*, that such packages have an interior capacity, exclusive of any partition or support, of nine hundred and ninety and four hundred and ninety-five cubic inches, respectively. No barrel, crate, one half crate or one quarter crate, intended for the sale or delivery of cranberries, except of the standard measure herein specified and plainly marked with the words “Massachusetts Standard Measure”, shall be manufactured or sold. No person shall so mark any barrel or other package so used, or intended to be used, unless its interior capacity is as great as the capacity herein specified for such package.

Legal and standard barrel and crate for cranberries, etc.

Proviso.

SECTION 2. Section two of said chapter four hundred and eight, as amended by section one of chapter two hundred and nine of the acts of the year nineteen hundred and five, is hereby further amended by striking out the word “or”, after the word “barrel”, in the second line, by inserting after the word “crate”, in the same line, the words: — one half crate or one quarter crate, — by striking out the word “or”, after the word “barrel”, in the fifth line, by inserting after the word “crate”, in the fifth line, the words: — one half crate or one quarter crate, — by inserting after the last word in the sixth line, the word: — corresponding, —

1903, 408, § 2, etc., amended.

Massachusetts
standard
measure.

Penalty.

Net weight.

Proviso.

and by striking out the words "barrel or crate", in the seventh line, and inserting in place thereof the word:— package, — so as to read as follows: — *Section 2.* Every barrel, crate, one half crate or one quarter crate used for the sale or delivery of cranberries shall be of the Massachusetts standard measure, and shall be marked as required by this act. No person shall use any barrel, crate, one half crate or one quarter crate for such sale or delivery the capacity of which is less than that of the corresponding standard package herein provided for. Any person violating any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars. The sealers of weights and measures of the several cities and towns shall cause the provisions of this act to be enforced.

SECTION 3. It shall be lawful to use for the sale and delivery of cranberries packages containing one, two or four pounds of cranberries net weight: *provided*, that said net weight is plainly stamped on the top or side of each package.

SECTION 4. This act shall take effect upon its passage.
Approved May 1, 1911.

*Chap.*381 AN ACT TO PROVIDE FOR THE INSPECTION AND REGULATION BY THE CATTLE BUREAU OF THE STATE BOARD OF AGRICULTURE OF PLACES WHERE NEAT CATTLE, OTHER RUMINANTS OR SWINE ARE KEPT.

Be it enacted, etc., as follows:

Inspection,
etc., of places
where neat
cattle, etc.,
are kept, etc.

SECTION 1. The chief of the cattle bureau and his agents are hereby authorized to enter and inspect all barns, stables, pastures, yards and other places where neat cattle, other ruminants, or swine are kept. The chief of the cattle bureau may make and enforce all reasonable rules and regulations respecting the sanitary condition of such barns, stables and other places, and of the neat cattle, other ruminants and swine kept therein, such rules and regulations to be subject to approval by the governor and council.

Report.

SECTION 2. The state board of health, the dairy bureau, and boards of health of cities and towns shall report to the chief of the cattle bureau any and all cases brought to their attention where barns, stables or other enclosures, in which neat cattle, other ruminants or swine are kept, are found to be in an unsanitary condition.

Penalty.

SECTION 3. Whoever prevents or hinders the chief of the cattle bureau or any agent thereof from exercising the powers

hereby conferred shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than thirty days.

SECTION 4. Nothing in this act shall be construed to nullify or affect the powers and duties of boards of health conferred upon them by sections sixty-seven to seventy-four, inclusive, of chapter seventy-five of the Revised Laws, and by sections sixty-nine to seventy-two, inclusive, of chapter one hundred and two of the Revised Laws.

Certain powers of the board of health not affected.

Approved May 1, 1911.

AN ACT TO ESTABLISH THE SALARY OF RALPH N. SMITH, AN ASSISTANT CLERK OF COURTS FOR THE COUNTY OF MIDDLESEX. Chap.382

Be it enacted, etc., as follows:

SECTION 1. The salary of Ralph N. Smith, an assistant clerk of the courts for the county of Middlesex, in charge of the criminal business, shall be thirty-five hundred dollars a year from the first day of January in the year nineteen hundred and eleven.

Salary.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1911.

AN ACT RELATIVE TO TAXATION OF PERSONAL PROPERTY HELD UPON TRUST. Chap.383

Be it enacted, etc., as follows:

SECTION 1. Section thirty-seven of Part III of chapter four hundred and ninety of the acts of the year nineteen hundred and nine, as amended by chapter two hundred and sixteen of the acts of the year nineteen hundred and ten, is hereby further amended by inserting after the word "April", in the ninth line, the words: — whether such property is held by said trust company singly or jointly with others, — so as to read as follows: — *Section 37.* Every domestic trust company incorporated subsequent to the twenty-eighth day of May in the year eighteen hundred and eighty-eight and subject to the provisions of chapter one hundred and sixteen of the Revised Laws and acts in amendment thereof, shall annually, between the first and tenth days of April, make a return to the tax commissioner, signed and sworn to by some officer of the corporation, of all personal property held upon

1909, 490, § 37, Part III, amended.

Returns and taxation of trust companies.

any trust on the first day of April, whether such property is held by said trust company singly or jointly with others, which would be liable to taxation if held by any other trustee residing in this commonwealth, the name of each city and town in this commonwealth where any beneficiaries resided on said day, the aggregate amount of such property then held for all the beneficiaries resident in each of such places, and also the aggregate amount held for beneficiaries not resident in this commonwealth. Such company shall annually pay to the treasurer and receiver general a tax to be assessed by the tax commissioner upon the total value of such personal property held in trust at the rate determined by him under the provisions of section forty-three.

1909, 490,
§ 23, Part I,
amended.

Assessment
of trust prop-
erty.

SECTION 2. Clause Fifth of section twenty-three of Part I of said chapter four hundred and ninety is hereby amended by inserting after the word "trustee", in the second line, the words: — except as provided in section thirty-seven of Part III, — so as to read as follows: — Fifth, Personal property held in trust by an executor, administrator or trustee, except as provided in section thirty-seven of Part III, the income of which is payable to another person, shall be assessed to the executor, administrator or trustee in the city or town in which such other person resides, if within the commonwealth; and if he resides out of the commonwealth it shall be assessed in the place where the executor, administrator or trustee resides; and if there are two or more executors, administrators or trustees residing in different places, the property shall be assessed to them in equal portions in such places, and the tax thereon shall be paid out of said income. If the executor, administrator or trustee is not an inhabitant of the commonwealth, it shall be assessed to the person to whom the income is payable, in the place where he resides, if it is not legally taxed to an executor, administrator or trustee under a testamentary trust in any other state.

SECTION 3. This act shall take effect upon its passage.

Approved May 1, 1911.

Chap. 384 AN ACT RELATIVE TO THE TENURE OF OFFICE FOR SUPERINTENDENTS OF SCHOOL UNIONS.

Be it enacted, etc., as follows:

R. L. 42, § 44,
amended.

SECTION 1. Section forty-four of chapter forty-two of the Revised Laws is hereby amended by striking out the first sentence; by striking out the words "choose by ballot", in

the seventh line, and inserting in place thereof the word: — employ, — and by adding at the end of the section the words: — Such superintendent of schools shall be employed for a term of three years, and his salary shall not be reduced during such term. Failure of a superintendent during his term of office to receive a certificate as provided by chapter two hundred and fifteen of the acts of the year nineteen hundred and four, upon the expiration of a prior certificate, shall thereby vacate his office. He may be removed from office by a two thirds vote of the full membership of the joint committee, and with the consent of the board of education to such dismissal, whereupon his salary shall cease, — so as to read as follows: — *Section 44.* The joint committee shall annually, in April, meet at a day and place agreed upon by the chairman of the committees of the several towns comprising the union, and shall organize by the choice of a chairman and secretary. They shall employ a superintendent of schools, determine the relative amount of service to be performed by him in each town, fix his salary, apportion the amount thereof to be paid by the several towns and certify it to each town treasurer. Such superintendent of schools shall be employed for a term of three years, and his salary shall not be reduced during such term. Failure of a superintendent during his term of office to receive a certificate as provided by chapter two hundred and fifteen of the acts of the year nineteen hundred and four, upon the expiration of a prior certificate, shall thereby vacate his office. He may be removed from office by a two thirds vote of the full membership of the joint committee, and with the consent of the board of education to such dismissal, whereupon his salary shall cease.

Superintendents of school unions, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION OF CERTAIN VETERANS AND PRISON OFFICERS WHO HAVE RETIRED FROM THE SERVICE OF THE COMMONWEALTH.

Chap. 385

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Appropriations.

Retired
veterans.

For the compensation of certain veterans of the civil war formerly in the service of the commonwealth and now retired from that service, a sum not exceeding forty-three thousand five hundred dollars.

Retired
prison
officers.

For the compensation of certain prison officers formerly in the service of the commonwealth and now retired, a sum not exceeding six thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1911.

Chap.386 AN ACT MAKING AN APPROPRIATION FOR PURCHASING LAND AND BUILDING A DORMITORY AT THE STATE NORMAL SCHOOL AT BRIDGEWATER.

Be it enacted, etc., as follows:

Appropriation for purchasing land for the normal school at Bridgewater.

SECTION 1. The sum of eighty-seven thousand five hundred dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purchase of land and the erection of a building for a dormitory, and for a power plant, for the state normal school at Bridgewater, as provided for by chapter one hundred and thirty-seven of the resolves of the year nineteen hundred and ten, this sum to be in addition to the eighty-seven thousand five hundred dollars appropriated by chapter six hundred and fifty-nine of the acts of the year nineteen hundred and ten.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1911.

Chap.387 AN ACT MAKING AN APPROPRIATION FOR THE PUBLICATION OF A RECORD OF MASSACHUSETTS SOLDIERS AND SAILORS WHO SERVED IN THE WAR OF THE REBELLION.

Be it enacted, etc., as follows:

Appropriation, record of Massachusetts soldiers, etc.

SECTION 1. The sum of twelve thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for expenses in connection with the publication of a record of Massachusetts troops and officers, sailors and marines in the war of the rebellion, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1911.

AN ACT TO REGULATE THE SALE OF COMMERCIAL FERTILIZERS. *Chap. 388*
Be it enacted, etc., as follows:

SECTION 1. No commercial fertilizer shall be sold or offered or exposed for sale in this commonwealth without a plainly printed label accompanying it, displayed in the manner hereinafter set forth, and truly stating the following particulars: —

Sale of
commercial
fertilizers.

1. The number of pounds of the fertilizer sold or offered or exposed for sale.

2. The name, brand or trade-mark under which the fertilizer is sold, and, in the case of agricultural lime, its particular form.

3. The name and principal address of the manufacturer, importer or other person putting the fertilizer on the market in this commonwealth.

4. The minimum percentage of each of the following constituents which the fertilizer may contain: (a) nitrogen, (b) phosphoric acid soluble in distilled water, (c) available phosphoric acid, (d) total phosphoric acid, (e) potash soluble in distilled water; except that in the case of undissolved bone, untreated phosphate rock, tankage, pulverized natural manures, the ground seeds of plants, and wood ashes, when sold unmixed with other substances, the minimum percentage of total phosphoric acid therein may be stated in place of the percentages of soluble and available phosphoric acid; and except that in the case of agricultural lime the label shall truly state the following: (a) minimum and maximum percentage of total lime, (b) minimum and maximum percentage of total magnesia, (c) minimum percentage of lime and magnesia combined as carbonates, (d) minimum percentage of lime sulphate in gypsum or land plaster.

5. If any part of the nitrogen contained in the fertilizer is derived from pulverized leather, raw, roasted or steamed; or from untreated hair, wool waste, peat, garbage tankage, or from any inert material whatsoever, the label shall truly state the specific material or materials from which such part of the nitrogen is derived.

SECTION 2. When any fertilizer is sold or offered or exposed for sale in packages, the label shall be affixed in a conspicuous place on the outside thereof. When any fertilizer, other than the product of gas-houses, known as gas-house lime, is offered or exposed for sale in bulk the label

Label to be
affixed.

shall be affixed in a conspicuous place to the bin or other enclosure in which the fertilizer is contained but need not state the number of pounds thereof. And when any fertilizer other than gas-house lime aforesaid is sold in bulk the label shall be affixed in a conspicuous place to the car or other vehicle in which the fertilizer is shipped or delivered and shall state the number of pounds thereof. When any fertilizer is sold in packages furnished by the purchaser the seller shall furnish the labels therefor.

Provisions
of label.

SECTION 3. The provisions of the printed label required by this act relating to the constituents contained in any fertilizer shall be known and recognized as the guaranteed analysis of such fertilizer, and the available phosphoric acid in basic phosphatic slag shall be stated in the label thereof on the basis of the results of an analysis by the Wagner Method, so-called, until such time as the Association of Official Agricultural Chemists of North America shall adopt a method of analysis for basic phosphatic slag, after which the available phosphoric acid shall be stated on the basis of an analysis by the method of said association.

Violation of
act.

SECTION 4. Any manufacturer, importer, or other person selling or offering or exposing for sale in this commonwealth a commercial fertilizer or brand of commercial fertilizer, any constituent part of which is of a smaller percentage than it is stated to be in the label of said fertilizer, and any manufacturer, importer, or other person selling or offering or exposing for sale in this commonwealth a fertilizer or brand of fertilizer with a label which is untrue in any particular, shall be deemed to have committed a violation of this act.

True copy of
label to be
filed, etc.

SECTION 5. No manufacturer, importer, or other person shall sell or offer or expose for sale in this commonwealth any commercial fertilizer until he shall have filed with the director of the Massachusetts Agricultural Experiment Station a copy certified by him to be a true copy of the label required by this act, excepting the item as to the number of pounds, for every brand of fertilizer to be sold or offered or exposed for sale in this commonwealth, and shall have paid to the said director an annual analysis fee for every brand aforesaid as follows: eight dollars for nitrogen, eight dollars for phosphoric acid, eight dollars for potash contained or stated to be contained in any such brand of fertilizer, and twelve dollars for every brand of agricultural lime except gas-house lime. The certified copy of the label of every brand of fertilizer to be sold or offered or exposed for sale in this

commonwealth shall be filed with, and the proper analysis fee for every such brand shall be paid to, the director of the Massachusetts Agricultural Experiment Station prior to the first day of January of the calendar year in which the brand is to be sold or offered or exposed for sale. But should a manufacturer, importer, or other person desire in any year to sell or to offer or expose for sale in this commonwealth any brand of commercial fertilizer in respect of which the requirements of this section as to the filing of a copy of the label thereof and the payment of the analysis fee therefor have not been complied with before the first day of January of said year, the said manufacturer, importer or other person may offer or expose for sale and sell the said brand in this commonwealth upon filing a certified copy as aforesaid of the label thereof and paying the full analysis fee therefor. No agent or other person shall be obliged to file a copy of the label of, or pay an analysis fee for, any brand of fertilizer for which a certified copy of the label has been filed and the analysis fee has been paid by the manufacturer or importer of such brand.

Any manufacturer, importer, or other person filing with the director of the Massachusetts Agricultural Experiment Station a false copy of the printed label of any fertilizer or brand of fertilizer shall be deemed to have committed a violation of this act.

False copy
of label.

SECTION 6. When both the certified copy of the label of any brand of fertilizer has been filed and the analysis fee therefor has been paid as provided in section five of this act, the director of the Massachusetts Agricultural Experiment Station shall issue or cause to be issued a certificate to that effect; and the certificate shall be deemed to authorize the sale in this commonwealth, in compliance with this act, of the brand of fertilizer for which the certificate is issued, up to and including the thirty-first day of December of the year for which it is issued.

Certificate
of filing of
label.

SECTION 7. Every commercial fertilizer and brand of commercial fertilizer sold or offered or exposed for sale in this commonwealth shall be subject to analysis by the director of the Massachusetts Agricultural Experiment Station or by his duly designated deputy or deputies. And the said director is hereby authorized and it is made his duty to make or cause to be made in each year one or more analyses of every fertilizer and brand of fertilizer sold or offered or exposed for sale in this commonwealth, and to collect the

Analysis.

Analysis.

annual analysis fee provided for by section five of this act. The said director, his inspectors and deputies, are further authorized to enter upon any premises where any commercial fertilizer is sold or offered or exposed for sale to ascertain if the provisions of this act are complied with, and to take samples for analysis as provided for by this act. The analysis of all fertilizers shall be made by the methods adopted by the Association of Official Agricultural Chemists of North America, except that basic phosphatic slag may be analyzed by the Wagner Method, so-called, until a method of analysis therefor is adopted by said association. The said director shall have the right to publish or cause to be published in reports, bulletins, special circulars or otherwise, the results obtained by said analyses, and in connection therewith shall, in each case, state the cost of equivalent amounts of nitrogen, phosphoric acid and potash in unmixed materials when bought for cash on the market at retail. Said reports, bulletins, circulars, or other publications shall also contain such additional information in relation to the character, composition, value and use of the fertilizers analyzed as the said director in his discretion may see fit to include. The said director may at any time make or cause to be made for any person a free analysis of any commercial fertilizer or brand of commercial fertilizer sold or offered or exposed for sale in this commonwealth, but he shall not be obliged to make such free analysis, or to cause the same to be made, unless the samples therefor are taken and submitted in accordance with the rules and regulations which may be prescribed by him. The results of any analysis made in accordance with the provisions of this act, except a free analysis as aforesaid, shall be sent by the director to the person named in the printed label of the fertilizer analyzed at least fifteen days before any publication thereof.

Taking of
samples, etc.

SECTION 8. All samples of commercial fertilizers taken for analysis shall be of not less than substantially one and one half pounds in weight, and every sample shall be taken, whenever the circumstances conveniently permit, in the presence of the person selling or offering or exposing for sale the fertilizer sampled, or of a representative of such person. Broken packages shall not be sampled, and all samples shall be taken from substantially ten per cent of the fertilizer to be sampled, except that in the case of a fertilizer sold or offered or exposed for sale in bulk ten single samples shall be taken from as many different portions of the lot. All

samples taken shall be thoroughly mixed and divided into two nearly equal samples, placed in suitable vessels, and marked and sealed. Both shall be retained by the director, but one shall be held intact by him for the period of one year at the disposal of the person named in the label of the fertilizer sampled.

SECTION 9. Any person hindering or obstructing the Penalty.

director of the Massachusetts Agricultural Experiment Station, or any inspector or deputy of the said director, in the discharge of the authority or duty conferred or imposed by any provision of this act and any person violating any provision of sections one, two, three, four and five of this act shall be fined not less than fifty dollars and not more than two hundred dollars for each offence. It shall be the duty of the said director to see that the provisions of this act are complied with, and he may, in his discretion, prosecute or cause to be prosecuted any person violating any provision of this act. But no complaint based upon an analysis of samples shall be made for any such violation, if the samples were taken otherwise than as provided in this act. And no complaint shall be made for a failure of any fertilizer or brand of fertilizer to meet the guaranteed analysis thereof if the analysis of such fertilizer made by the director, or by his deputy or deputies, shows the amounts of the constituents thereof to be substantially equivalent to the percentages stated in the label of the fertilizer. Duty of the director, etc.

SECTION 10. All fees collected by the director of the Fees. Massachusetts Agricultural Experiment Station under the provisions of this act shall be turned over by him to the treasurer of the said station, and the amounts received and disbursed shall be kept in a separate account, and shall be audited and reported, as are other moneys placed in charge of the trustees of the Massachusetts Agricultural College. The money collected under the provisions hereof shall be used under the authority of the said director to meet the expenses incurred in carrying out the provisions of the act, and should there be a surplus, the surplus shall be used in the Massachusetts Agricultural Experiment Station, under the authority of its director, for experiments and research relative to soils, fertilizers and manures.

SECTION 11. In this act unless the context or subject-matter otherwise requires, Certain terms defined.

“Agricultural lime” includes all the various forms of lime intended or sold for fertilizing purposes.

Certain terms
defined.

“Available phosphoric acid” means the sum of the soluble and reverted phosphoric acid, except that, as applied to basic phosphatic slag, the term “available phosphoric acid” shall mean that part of the phosphoric acid made soluble by the Wagner Method, so-called, until such time as the Association of Official Agricultural Chemists of North America shall adopt a method for basic phosphatic slag, after which it shall mean that part of the phosphoric acid made soluble by the method of said association.

“Brand” means any commercial fertilizer distinctive by reason of name, trade-mark or guaranteed analysis, or by any method of marking.

“Commercial fertilizer” includes every natural or artificial manure containing nitrogen or phosphoric acid or potash or lime, except the excrements and litter from domestic animals when sold in their natural state; but dried or partly dried manure, pulverized or ground, shall be included as a commercial fertilizer.

“Copy” means certified copy.

“Fertilizer” means commercial fertilizer.

“Importer” means a person who procures for sale in this commonwealth commercial fertilizers made in other states or countries.

“Label” means printed label.

“Lime” means calcium oxide (CaO).

“Magnesia” means magnesium oxide (MgO).

“Packages” includes sacks and bags and all other receptacles.

“Person” includes a corporation or partnership or two or more persons having a joint or common interest.

“Phosphoric acid” means phosphoric anhydrid (P_2O_5).

“Potash” means potassium oxide (K_2O).

Repeal.

SECTION 12. Sections eleven to seventeen inclusive of chapter fifty-seven of the Revised Laws and chapter two hundred and eighty-nine of the acts of the year nineteen hundred and seven are hereby repealed.

Time of
taking effect.

SECTION 13. This act shall take effect on the first day of December in the year nineteen hundred and eleven.

Approved May 4, 1911.

AN ACT TO AUTHORIZE TRUST COMPANIES TO INVEST CERTAIN *Chap.389*
OF THEIR FUNDS OR ASSETS.

Be it enacted, etc., as follows:

Every trust company is hereby authorized to invest the funds or assets which it may receive and hold as executor, administrator, administrator with the will annexed, receiver, assignee, guardian, trustee or conservator, in the same way, to the same extent, and under the same restrictions as an individual holding a similar position may invest such funds or assets. Trust companies to invest certain funds and assets.
Approved May 4, 1911.

AN ACT TO AUTHORIZE THE PLYMOUTH AND SANDWICH STREET *Chap.390*
RAILWAY COMPANY TO DISCONTINUE TEMPORARILY THE
OPERATION OF PART OF ITS ROAD.

Be it enacted, etc., as follows:

SECTION 1. The Plymouth and Sandwich Street Railway Company is hereby authorized to discontinue temporarily the operation of such part of its road from the first day of November to the first day of April of each year as may be authorized from time to time by the board of railroad commissioners after public notice and public hearing. The Plymouth and Sandwich Street Railway Company may discontinue part of its road.

SECTION 2. This act shall take effect upon its passage.
Approved May 4, 1911.

AN ACT RELATIVE TO THE COMPENSATION OF DOG OFFICERS. *Chap.391*

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and forty-three of chapter one hundred and two of the Revised Laws, as amended by section one of chapter two hundred and forty of the acts of the year nineteen hundred and seven and by chapter one hundred and eighty-two of the acts of the year nineteen hundred and eight and by chapter six hundred and twenty-nine of the acts of the year nineteen hundred and ten, is hereby further amended by striking out the words "during the term of their employment," in the seventeenth and eighteenth lines, and inserting in place thereof the words: — for the time actually employed, — so as to read as follows: — *Section 143.* The mayor of each city and the chairman of the selectmen of each town shall annually, within ten days R. L. 102, § 143, etc., amended.
Unlicensed dogs to be killed, etc.

after the first day of July, issue a warrant to one or more police officers or constables, who shall hold office for one year or until his or their successor or successors are appointed and qualified, directing them forthwith to kill or cause to be killed all dogs within such city or town which are not licensed and collared according to the provisions of this chapter, and to enter complaint against the owners or keepers thereof; and any person may, and every police officer and constable shall, kill or cause to be killed all such dogs whenever or wherever found. Such officers, other than those employed under regular pay, shall receive from the treasurers of their respective cities or towns one dollar for each dog so destroyed; except that in cities of twenty-five thousand inhabitants, or more, they shall be paid the same wages per diem for the time actually employed which the regular police officers of such cities receive. Bills for such services shall be approved by the mayor of the city or chairman of the selectmen of the town in which said dogs are destroyed, and in cities and towns in the county of Suffolk shall be paid from moneys received under the provisions of this chapter relating to dogs. The cities and towns in other counties shall be reimbursed by the treasurers of their respective counties from the moneys received under such provisions.

Payment of
bills.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1911.

Chap. 392 AN ACT RELATIVE TO THE PAYMENT OF DAMAGES CAUSED BY THE WORRYING, MAIMING OR KILLING OF DOMESTIC ANIMALS BY DOGS.

Be it enacted, etc., as follows:

R. L. 102,
§ 151, etc.,
amended.

Section one hundred and fifty-one of chapter one hundred and two of the Revised Laws, as amended by chapter one hundred of the acts of the year nineteen hundred and three, and by chapter two hundred and eighty-three of the acts of the year nineteen hundred and four, is hereby further amended by striking out the words "The treasurer shall pay all orders drawn upon him for the above purpose in full on or after the first day of July in each year if the amount in his hands standing to the credit of the dog fund is sufficient therefor; otherwise, he shall pay such amount pro rata upon such orders in full discharge thereof on demand", in the thirty-fourth to the thirty-ninth lines, both inclusive, and

inserting in place thereof the following: — The treasurer shall pay all orders drawn upon him in full, for the above purpose, out of any money in the county treasury and payments made therefor shall be charged to the dog fund, — so as to read as follows: — *Section 151.* Whoever suffers loss by the worrying, maiming or killing of his sheep, lambs, fowls or other domestic animals by dogs, outside the enclosure of the owners or keepers of such dogs, may, if the damage is done in a city, inform the officer of police of said city who shall be designated to receive such information by the authority appointing the police, and, if the damage is done in a town, may inform the chairman of the selectmen of the town wherein the damage was done, who shall proceed to the premises where the damage was done and determine whether the same was inflicted by dogs, and if so, appraise the amount thereof if it does not exceed twenty dollars. If in the opinion of said officer of police or chairman the amount of said damage exceeds twenty dollars, the damage shall be appraised, under oath, by three persons, of whom one shall be such officer of police or chairman, one shall be appointed by the person alleged to be damaged, and the third shall be appointed by the other two. The said appraisers shall also consider and include in such damages the labor and time necessarily expended in the finding and collecting of the sheep, lambs, fowls or other domestic animals so injured or separated and the value of those lost or otherwise damaged by dogs. The said officer of police or chairman shall return a certificate of the damages found, except in the county of Suffolk, to the treasurer of the county in which the damage is done, within ten days after such appraisal is made. The treasurer shall thereupon submit the same to the county commissioners, who, within thirty days, shall examine all such bills, and if any doubt exists, may summon the appraisers and all parties interested and make such examination as they may think proper, and shall issue an order upon the treasurer of the county in which the damage was done for such amount, if any, as they decide to be just. The treasurer shall pay all orders drawn upon him in full, for the above purpose, out of any money in the county treasury and payments made therefor shall be charged to the dog fund. The appraiser shall receive from the county, or in the county of Suffolk, from the city or town treasurer, out of the money received under the provisions of this chapter relating to dogs, one dollar each for every such examination made by them, and

Payment of
certain dam-
ages, etc.

Compensation
of appraisers,
etc.

also twenty cents a mile one way for their necessary travel; and the officer or the chairman of selectmen acting in the case shall receive twenty cents a mile one way for his necessary travel.

Approved May 4, 1911.

Chap.393 AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

Be it enacted, etc., as follows:

Massachusetts
Institute of
Technology.

SECTION 1. The sum of twenty-nine thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, to the Massachusetts Institute of Technology.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1911.

Chap.394 AN ACT RELATIVE TO THE CARE OF PERSONS SUFFERING FROM CERTAIN MENTAL DISORDERS PENDING THEIR ADMISSION OR COMMITMENT TO APPROPRIATE INSTITUTIONS.

Be it enacted, etc., as follows:

Certain persons suffering from mental disorders not to be detained in a lockup, etc.

No person suffering from insanity, mental derangement, deliriums, or mental confusion, except delirium tremens and drunkenness, shall, except in case of emergency, be placed or detained in a lockup, police station, city prison, house of detention, jail or other penal institution, or place for the detention of criminals. If, in case of emergency, any such person is so placed or detained, he shall forthwith be examined by a physician and shall be furnished suitable medical care and nursing and shall not be so detained for more than twelve hours. Any such person not so placed or detained who is arrested by or comes under the care or protection of the police, and any other such person who is in need of immediate care and treatment which cannot be provided without public expense, shall, except in the city of Boston, be cared for by the board of health of the city or town in which such person may be. Such board of health shall cause such person to be examined by a physician as soon as possible, shall furnish him with suitable medical care and nursing, and shall cause him to be duly admitted or committed to an institution for the care and treatment of such persons, unless he should recover or be suitably provided for by his relatives or friends. Reasonable expenses for board, lodging, medical care, nursing, clothing and all other necessary

Examination
by a
physician.

expenses incurred by the board of health, under the provisions of this act, shall be allowed, certified and paid as provided by section forty-nine of chapter five hundred and four of the acts of the year nineteen hundred and nine, as amended by chapter four hundred and twenty of the acts of the year nineteen hundred and ten, for the allowance, certification and payment of the expenses of examination and commitment.

Approved May 4, 1911.

AN ACT RELATIVE TO THE RECEPTION AND TEMPORARY CARE
IN CERTAIN INSTITUTIONS OF PERSONS SUFFERING FROM
MENTAL DERANGEMENT.

Chap. 395

Be it enacted, etc., as follows:

The superintendent or manager of any hospital for the insane, public or private, may, when requested by a physician, by a member of the board of health or a police officer of a city or town, by an agent of the institutions registration department of the city of Boston, or by a member of the district police, receive and care for in such hospital as a patient, for a period not exceeding seven days, any person who needs immediate care and treatment because of mental derangement other than delirium tremens or drunkenness. Such request for admission of a patient shall be put in writing and filed at the hospital at the time of his reception, or within twenty-four hours thereafter, together with a statement in a form prescribed or approved by the state board of insanity, giving such information as said board may deem appropriate. Such patient who is deemed by the superintendent or manager not suitable for such care shall, upon the request of the superintendent or manager, be removed forthwith from the hospital by the person requesting his reception, and, if he is not so removed, such person shall be liable for all reasonable expenses incurred under the provisions of this act on account of the patient which may be recovered by the hospital in an action of contract. The superintendent or manager shall cause every such patient either to be examined by two physicians, qualified as provided in section thirty-two of chapter five hundred and four of the acts of the year nineteen hundred and nine, who shall cause application to be made for his admission or commitment to such hospital or, provided he does not sign a request to remain under the provisions of section forty-five of said chapter five hundred and four, to be removed therefrom before the

Superintendents or managers of hospitals, etc., to receive and care for persons suffering from mental derangement.

Examination of patients.

Payment of
expenses.

expiration of said period of seven days. Reasonable expenses incurred for the examination of the patient and his transportation to the hospital shall be allowed, certified and paid as provided by section forty-nine of said chapter five hundred and four, as amended by chapter four hundred and twenty of the acts of the year nineteen hundred and ten, for the allowance, certification and payment of the expenses of examination and commitment. *Approved May 4, 1911.*

Chap.396 AN ACT RELATIVE TO THE SUPPORT OF CERTAIN INMATES OF
THE RUTLAND STATE SANATORIUM.

Be it enacted, etc., as follows:

Repeal.

SECTION 1. Section seven of chapter eighty-eight of the Revised Laws and sections one and two of chapter three hundred and seventy-eight of the acts of the year nineteen hundred and nine, in amendment thereof, are hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1911.

Chap.397 AN ACT RELATIVE TO THE WEIGHT OF A BARREL OF POTATOES.

Be it enacted, etc., as follows:

R. L. 62,
§ 3, etc.,
amended.

Section three of chapter sixty-two of the Revised Laws, as amended by chapter one hundred and fifteen of the acts of the year nineteen hundred and two, is hereby further amended by striking out after the word "and", in the fourth line, the word "seventy-two", and inserting in place thereof the word: — sixty-five, — so as to read as follows: — *Section 3.* The barrel of flour, measured by weight, shall contain one hundred and ninety-six pounds, the barrel of potatoes one hundred and sixty-five pounds, and the barrel of sweet potatoes one hundred and fifty pounds.

Approved May 4, 1911.

Chap.398 AN ACT TO RATIFY THE ACTS OF THE TOWN OF LUNENBURG
AT THE ANNUAL TOWN MEETING IN THE CURRENT YEAR.

Be it enacted, etc., as follows:

Certain acts of
the town of
Lunenburg
not invalid.

SECTION 1. The election of officers and other proceedings by the town of Lunenburg at its annual town meeting in March, nineteen hundred and eleven, shall not be invalid by reason of the fact that the warrant for the said meeting

did not specify by name all the officers to be voted for, or did not specify the time for closing the polls, or by reason of any other informality in the warrant for or conduct of said meeting.

SECTION 2. All proper acts by officers elected at the said meeting are hereby confirmed and ratified. Certain acts confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved May 4, 1911.

AN ACT TO PROMOTE THE PERMANENCE OF SCHOOL SUPER- Chap.399
INTENDENCY UNIONS.

Be it enacted, etc., as follows:

SECTION 1. Section forty-three of chapter forty-two of the Revised Laws is hereby amended by striking out the words "may, and after the first day of July, in the year nineteen hundred and two", in the eighth and ninth lines, by inserting after the word "schools", in the tenth line, the words: — The school committees of such towns shall be a joint committee which, for the purposes of such union, shall be the agents of each town therein, — by striking out the words "for three years after the date of its formation", and the word "a", in the eleventh line, and by inserting after the word "union", in the twelfth line, the words: — and the consent of the board of education to such dissolution, — so as to read as follows: — *Section 43.* The school committees of two or more towns the valuation of each of which is less than two million five hundred thousand dollars, and the aggregate number of schools in all of which is not more than fifty nor less than twenty-five, and the school committees of four or more towns the valuation of each of which does not exceed two million five hundred thousand dollars, without reference to the minimum limit in the aggregate number of schools aforesaid, shall form a union for the purpose of employing a superintendent of schools. The school committees of such towns shall be a joint committee which, for the purposes of such union, shall be the agents of each town therein. Such union shall not be dissolved except by vote of a majority of the towns constituting the union, and the consent of the board of education to such dissolution, nor shall it be dissolved for the reason that the valuation of any one of the towns shall have so increased as to exceed two million five hundred thousand dollars, nor for the reason that the number of schools shall have increased beyond

R. L. 42, § 43, amended.

Union of towns for employment of superintendents of schools.

fifty or, in a union of less than four towns, shall have decreased below twenty-five.

SECTION 2. This act shall take effect upon its passage.
Approved May 4, 1911.

*Chap.*400 AN ACT RELATIVE TO THE ACQUISITION BY PRIVATE CORPORATIONS OR ASSOCIATIONS OF LAND FOR THE CARE OF THE INSANE.

Be it enacted, etc., as follows:

Acquisition of land for the care of the insane.

SECTION 1. No association now or hereafter formed for the care of the insane, and no private corporation now or hereafter incorporated for the care of the insane shall acquire land in a city or town to be exempt from taxation without the consent of the city council or the corresponding body in a city with the approval of the mayor, or without the consent of the legal voters of the town in which such land is situated.

SECTION 2. This act shall take effect upon its passage.
Approved May 4, 1911.

*Chap.*401 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF DANA AND GREENWICH.

Be it enacted, etc., as follows:

Boundary line between the towns of Dana and Greenwich.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Dana and Greenwich: — Beginning at a granite monument standing at the corner of the towns of Dana, Greenwich and Prescott, in latitude forty-two degrees, twenty-five minutes, fifty-five and sixty-eight hundredths seconds north and longitude seventy-two degrees, sixteen minutes, fifty-four and ninety-nine hundredths seconds west; thence north eighty degrees, forty-four minutes east, true bearing, one thousand two hundred feet to a point in latitude forty-two degrees, twenty-five minutes, fifty-seven and fifty-nine hundredths seconds north and longitude seventy-two degrees, sixteen minutes, thirty-nine and twenty hundredths seconds west, about five hundred feet west of the easterly highway between North Dana and Greenwich Village; thence south seven degrees, thirty-two minutes east, true bearing, ten thousand seven hundred and nineteen feet to a point in latitude forty-two degrees, twenty-four minutes, twelve and sixty-one hundredths seconds north and longitude seventy-two degrees, sixteen minutes, twenty and forty-seven hundredths seconds west,

about one thousand feet west of the easterly highway between North Dana and Greenwich Village; thence south sixty-six degrees two minutes east, true bearing, five thousand and fifty-nine feet to a granite monument standing in latitude forty-two degrees, twenty-three minutes, fifty-two and thirty hundredths seconds north and longitude seventy-two degrees, fifteen minutes, eighteen and eighty-seven hundredths seconds west, at an angle in the present boundary line; thence south thirty degrees, eleven minutes west, true bearing, one thousand eight hundred and eighteen feet to a granite monument standing at the corner of the towns of Dana, Greenwich and Hardwick, in latitude forty-two degrees, twenty-three minutes, thirty-six and seventy-eight hundredths seconds north and longitude seventy-two degrees, fifteen minutes, thirty-one and five hundredths seconds west.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1911.

AN ACT RELATIVE TO THE BLASTING OF ROCKS IN THE CITY *Chap.402*
OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and one of the acts of the year eighteen hundred and sixty-eight, relative to the blasting of rocks in the city of Boston, is hereby repealed. 1868, 201,
repealed.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1911.

AN ACT TO AUTHORIZE THE TRUSTEES OF HOSPITALS FOR *Chap.403*
CONSUMPTIVES TO SELL AND CONVEY LAND IN THE TOWN
OF WESTFIELD.

Be it enacted, etc., as follows:

SECTION 1. The Trustees of Hospitals for Consumptives, incorporated by chapter four hundred and seventy-four of the acts of the year nineteen hundred and seven, and acts in amendment thereof and in addition thereto, are hereby authorized, with the approval of the governor and council, to sell and convey to the Boston and Albany Railroad Company, at such price as may be fixed by said trustees, the whole or any part of a certain parcel of land in the town of Westfield which is bounded and described as follows: —
Beginning at a stone monument set in the ground on the dividing line between land of the commonwealth and land

Trustees of
Hospitals for
Consumptives
may sell and
convey cer-
tain land.

Description
of land to be
sold, etc.

Description
of land to be
sold, etc.

now or late of John S. Lane and Sons, distant one hundred and twenty-five feet northeasterly from the base line of the location of the Boston and Albany railroad measured at right angles thereto; thence running south seventeen degrees twenty-nine minutes west by land now or late of said Lane and Sons sixty-seven and thirty-five hundredths feet to land of the Boston and Albany Railroad Company; thence running northwesterly by land of said railroad company eight hundred ninety-nine and thirty-four hundredths feet to a stone monument set in the ground distant fifty-seven and seventy-five hundredths feet northeasterly from said base line, measured at right angles thereto; thence running southeasterly by the remaining land of the commonwealth five hundred fifty-five and ten hundredths feet to a stone monument set in the ground distant one hundred and twenty-five feet northeasterly from said base line measured at right angles thereto; thence running southeasterly by the remaining land of the commonwealth by a line drawn parallel with and distant one hundred and twenty-five feet northeasterly from said base line three hundred and fifty-two feet to the point of beginning; containing ninety-six hundredths of an acre more or less; or such other land in the said town of Westfield now owned by the commonwealth as, in the judgment of said trustees, is not necessary for hospital purposes and which said railroad company may desire to acquire.

SECTION 2. This act shall take effect upon its passage.
Approved May 5, 1911.

Chap.404 AN ACT TO INCORPORATE THE BUSINESS MEN'S ASSOCIATION OF CHARLESTOWN.

Be it enacted, etc., as follows:

The Business
Men's Asso-
ciation of
Charlestown
incorporated.

SECTION 1. Daniel A. McVarish, Mark E. Smith, Michael L. Fahey, Stanton H. King, George T. Horan, Gardner Bates, Nelson M. Wood, Francis P. Silva and E. Frank Baxter, their associates and successors, are hereby constituted a body corporate by the name of the Business Men's Association of Charlestown, for the purpose of promoting the business interests of Charlestown, and for the maintenance of a building or rooms wherein the members of the association may meet to discuss matters pertaining to the welfare of Charlestown and of the association.

By-laws.

SECTION 2. The said association may adopt such by-laws, consistent with this act and the laws of the commonwealth,

as may be necessary for its purposes, and may take and hold in fee simple or any less estate, by gift, grant, bequest, or otherwise, real or personal property to the amount of twenty thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved May 5, 1911.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE CITY OF CAMBRIDGE AND THE TOWN OF ARLINGTON. *Chap. 405*

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the city of Cambridge and the town of Arlington: — Beginning at an unmarked point in the boundary line between the city of Somerville and the city of Cambridge at the centre of Alewife brook, as recently located by the metropolitan park commission under the provisions of chapter five hundred and twenty-nine of the acts of the year nineteen hundred and seven, said point being referred to in chapter two hundred and twenty-one of the acts of the year nineteen hundred and ten; thence extending in a southerly direction following the centre line of said brook, as recently located as aforesaid, to an unmarked point at the junction of the centre line of said brook and the southerly boundary line between the city of Cambridge and the town of Arlington, distant one hundred and twenty-eight feet on said boundary line from the witness monument marked A.C. The boundary line hereby established is shown on a plan to be filed in the office of the secretary of the commonwealth.

Boundary line between the city of Cambridge and the town of Arlington.

SECTION 2. This act shall be submitted to the city council of the city of Cambridge and to the selectmen of the town of Arlington, and shall take effect upon its acceptance by the said council and selectmen. *Approved May 5, 1911.*

Acceptance of act.

AN ACT RELATIVE TO THE APPOINTMENT OF REFEREES FOR ADJUSTING LOSSES UNDER POLICIES OF FIRE INSURANCE. *Chap. 406*

Be it enacted, etc., as follows:

The last paragraph of section sixty of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven, is hereby amended by inserting after the word "provision", in the seventh line of said paragraph, the words: — no one of whom has served in that capacity for said insurance

1907, 576,
§ 60,
amended.

Appointment
of referees,
etc.

company within four months, without the consent in writing of the insured, — and by striking out the words “within twenty days from the expiration of said ten days”, in the twentieth and twenty-first lines, so that said paragraph as amended will read as follows: — In case of loss under any fire insurance policy, issued on property in this commonwealth in the standard form above set forth, and the failure of the parties to agree as to the amount of loss, the insurance company shall, within ten days after a written request to appoint referees under the provision for arbitration in such policy, name three men under such provision, no one of whom has served in that capacity for said insurance company within four months, without the consent in writing of the insured, each of whom shall be a resident of this commonwealth and willing to act as one of such referees, of whom the insured shall, within ten days after receiving said names, make known to the insurance company its choice of one of them to act as one of such referees; and such insurance company shall, within ten days after receiving the names of three men named by the insured under such provision, make known to the insured its choice of one of them to act as one of such referees. And in case of the failure of two referees chosen, respectively, by the insurance company and the insured, to agree upon and select within ten days from their appointment a third referee willing to act in said capacity, either of said referees or parties may make written application, setting forth the facts, to the insurance commissioner to appoint such third referee; and said commissioner shall thereupon make such appointment and shall send written notification thereof to the parties. In every case of the appointment by the insurance commissioner of said third referee the insuring company or companies shall withhold from the amount of the award rendered one half of the compensation and expenses of said referee, and said company or companies shall thereupon pay to said referee the full amount of his compensation and expenses.

Approved May 5, 1911.

Chap. 407 AN ACT TO AUTHORIZE THE CITY OF PITTSFIELD TO TAKE AS AN EMERGENCY SUPPLY THE WATERS OF ROARING BROOK AND ONOTA LAKE.

Be it enacted, etc., as follows:

Water supply
for the city
of Pittsfield

SECTION 1. The city council of the city of Pittsfield may at any time within two years from the date of the approval

of this act, until the new Farnham reservoir on October mountain is filled with water, in case of emergency take water from Roaring brook in the town of Washington and water from Onota lake in the city of Pittsfield, or from either of said sources, in such quantities as may be necessary to relieve the emergency.

in case of
emergency.

SECTION 2. All provisions of law governing the temporary taking of a water supply by the city council of a city or the selectmen or water commissioners of a town, shall apply to the aforesaid takings, except that such takings in case of emergency may be for a period of more than six months in any one year.

Certain provisions of
law to apply.

Approved May 5, 1911.

AN ACT TO ESTABLISH THE DEERFIELD FIRE DISTRICT AND TO PROVIDE FOR SUPPLYING THE SAME WITH WATER. *Chap. 408*

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Deerfield, liable to taxation in said town and residing within the territory enclosed by the following boundary lines, to wit:— Beginning at a point on the top of East Mountain east of the culvert under track of New York, New Haven and Hartford railroad at foot of Long Hill, so-called; thence westerly to said culvert; thence westerly at foot of Long Hill to a point on land of William L. Harris near his south tobacco barn; thence northerly on brow of hill to mill canal, so-called; thence northerly on said mill canal to Deerfield river; thence northerly on said Deerfield river to northwest corner of home lot of J. M. Arms Sheldon; thence northerly on brow of hill at rear of home lots on Deerfield Main street to road leading across Broughton's pond; thence easterly on said road to state highway at north end of Deerfield Main street; thence northerly on state highway to north bound of homestead of George W. Fuller, deceased; thence easterly on the north line of said homestead of said George W. Fuller and running easterly in a continuation of said north line of said homestead of said George W. Fuller to a point on the top of the East Mountain; thence southerly following the top of the East Mountain to the "Narrows", so-called; thence following the top of the East Mountain to the point of beginning, — shall constitute a fire district, and are hereby made a body corporate, by the name of the Deerfield Fire District, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with

Deerfield
Fire District
established,
etc.

Boundary
lines.

power to establish fountains and hydrants, and to relocate and discontinue the same; to regulate the use of such water and to fix and collect rates to be paid therefor, and to take, or acquire by lease, purchase or otherwise, and to hold property, lands, rights of way and easements for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of the district.

May supply
itself with
water.

Proviso.

SECTION 2. Said fire district, for the purposes aforesaid, may take, or acquire by purchase or otherwise, and hold the waters of any pond or stream or of any ground sources of supply by means of driven, artesian or other wells within the limits of the town of Deerfield, and the water rights connected with any such sources, and may also take, or acquire by purchase or otherwise, and hold all lands, rights of way and easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district: *provided, however,* that no source of water supply and no lands necessary for preserving the quality of such water, shall be taken or used without first obtaining the advice and approval of the state board of health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board. Said district may construct on the lands taken or acquired and held under the provisions of this act, proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways in the Deerfield Fire District, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, said district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; and all things done upon any such way shall be subject to the direction of the selectmen of the town of Deerfield.

SECTION 3. Said fire district shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements under the provisions of this act, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Franklin a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for. The title to all land taken, purchased or acquired in any way under the provisions of this act shall vest in said Deerfield Fire District, and the land so taken may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of said district.

Description
of land, etc.,
taken to be
recorded.

SECTION 4. Said district shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by anything done by said district under authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with said district as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within the period of two years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of two years, and no application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said district under authority of this act. Said district may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages caused by such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, and in such event said district shall be further liable only for the additional damages caused by such additional taking.

Damages.

SECTION 5. Said district, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding thirty-five thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Deerfield Fire District Loan; shall be payable at the

Deerfield
Fire District
Loan.

expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four and one half per cent per annum; and shall be signed by the treasurer of the district and countersigned by the chairman of the water commissioners hereinafter provided for. Said district may sell such securities at public or private sale, for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof. The town of Deerfield may, at its annual town meeting or at a legal meeting called for the purpose, guarantee the payment of such bonds, notes or scrip.

Proviso.

Payment of
loan.

SECTION 6. Said district shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said district, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be raised annually by taxation in the manner hereinafter provided.

Copy of tax
voted to be
sent to
assessors.

SECTION 7. Whenever a tax is duly voted by said district for the purpose of this act, the clerk shall send a certified copy of the vote to the assessors of the town of Deerfield, who shall proceed within thirty days thereafter to assess the same in the same manner in which town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect overdue interest on taxes in the manner in which interest is authorized to be collected on town taxes: *provided*, that said district at the time of voting to raise the tax shall so determine and shall also fix a time for payment thereof.

Proviso.

First
meeting.

SECTION 8. The first meeting of said district shall be called on petition of ten or more legal voters therein, by a warrant from the selectmen of the town of Deerfield, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies

of said warrant in two or more public places in said district seven days at least before the time of the meeting. One of the petitioners shall preside at the meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. After the choice of a moderator for said meeting the question of the acceptance of this act shall be submitted to the voters, and if it shall be accepted by a majority vote of the voters present and voting thereon it shall take effect, and the meeting may then proceed to act on the other articles contained in the warrant.

SECTION 9. The Deerfield Fire District shall, after the acceptance of this act as aforesaid, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as the district may impose by its vote. Said commissioners shall appoint a treasurer of said district, who may be one of their number, who shall give bonds to the district to such an amount and with such sureties as may be approved by the commissioners. A majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said fire district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of the water works except by a written order of said commissioners or a majority of them.

Water commissioners,
election,
term, etc.

Vacancy.

SECTION 10. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on principal as they accrue upon any bonds, notes or scrip issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it shall be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for

Water rates.

such new construction the water rates shall be reduced proportionately. No money shall be expended in new construction by the water commissioners except from the net surplus aforesaid, unless the district appropriates and provides money therefor. Said commissioners shall annually, and as often as the district may require, render a report upon the condition of the works under their charge and an account of their doings, including an account of receipts and expenditures.

By-laws.

SECTION 11. Said district may adopt by-laws prescribing by whom and how meetings may be called and notified; and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section eight. Said district may also choose such other officers not provided for in this act as it may deem necessary or proper.

Penalty for corrupting water, etc.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, standpipe, aqueduct, pipe or other property owned or used by said district for the purposes of this act shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment in jail for a term not exceeding six months.

Time of taking effect.

SECTION 13. This act shall take effect upon its acceptance by a majority vote of the voters of said district present and voting thereon at a district meeting called in accordance with the provisions of section eight, within three years after the passage of this act; but it shall become void unless said district shall begin to distribute water to consumers within three years after the date of the acceptance of this act as aforesaid.

Approved May 5, 1911.

Chap.409 AN ACT TO AUTHORIZE THE TRUSTEES OF THE MASSACHUSETTS AGRICULTURAL COLLEGE TO LEASE PARCELS OF LAND BELONGING TO THE COMMONWEALTH IN THE TOWNS OF AMHERST AND HADLEY FOR THE PURPOSE OF PROVIDING SUITABLE DWELLINGS FOR PROFESSORS AND OTHERS CONNECTED WITH THE COLLEGE.

Be it enacted, etc., as follows:

Trustees of the Massachusetts Agricultural

SECTION 1. The Trustees of the Massachusetts Agricultural College are hereby authorized from time to time to

make, execute and deliver, in the name and on behalf of the commonwealth, leases of parcels of land from the college estate, owned by the commonwealth in the towns of Amherst and Hadley, not exceeding in any lease one half an acre in extent, to any professor, instructor, teacher or employee of said college or of the Massachusetts Agricultural Experiment Station, or to any society, association or fraternity established at said college, for the purpose of erecting and maintaining thereon, at the lessee's sole cost and charges and for the lessee's use and occupancy, a suitable dwelling, under such agreements, restrictions and reservations and upon such terms and conditions as may be agreed upon in writing by the trustees of said college and the lessee. But no such lease shall become operative until the form thereof shall have been approved by the governor and council of the commonwealth. The lessees of the said land, and their assignees, shall be liable to taxation upon any buildings erected on the land, to the extent of the value of the buildings as determined by the assessors of the town in which they are situated.

College to lease certain parcels of land, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1911.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF STATE BIRD AND GAME PRESERVES AND THE PROTECTION AND PROPAGATION OF WILD BIRDS AND QUADRUPEDS.

Chap. 410

Be it enacted, etc., as follows:

SECTION 1. For the purpose of protecting any species of useful wild birds or quadrupeds and for aiding the propagation thereof the board of commissioners on fisheries and game may acquire in fee by purchase, gift or devise, or may lease, or, with the consent of the owners, may control any land, water or shore or the right to use the same, including the right of the public in such land or on such water or shore, as a bird and game preserve.

State bird and game preserves.

SECTION 2. For the purposes aforesaid the said commissioners, upon a petition filed with them by the mayor and aldermen of a city or the selectmen of a town, or by one or more owners of land, water or shore, if satisfied of the suitable character and situation of the same, may, with the consent of the owners, order a close season for one or more periods, not exceeding five years each, on all wild birds and quadrupeds within the area or any part thereof specified in the petition. But before making any order under such peti-

Close season.

tion, the commissioners shall give a public hearing upon the matter at some place in or near the territory under consideration, of which meeting and of their intention in the matter notice shall be given by publication once a week for two successive weeks in one or more newspapers published in the county or counties embracing the territory, the last publication to be at least seven days prior to the time fixed for the hearing.

Commissioners on fisheries and game to make use of land taken, etc.

SECTION 3. In respect to any territory acquired or controlled as above provided or any territory upon which a close season has been ordered as above provided, the said commissioners may make such use of the land, water or shore within the territory as they may deem best for the purpose of improving the feeding and nesting environment of birds or game, and may from time to time make such rules and regulations relating to such territory as may seem to them proper, and such rules and regulations when approved by the governor and council shall have the force of laws. The said commissioners are authorized to liberate birds within the limits of the said reservations, and, when in their opinion such action is advisable, to co-operate with land owners within such territory in experiments in the propagation of birds or quadrupeds.

Deputies.

SECTION 4. The said commissioners may appoint deputies to enforce the provisions of this act and any rules and regulations made hereunder, and may authorize in writing any such deputy or the owner or occupant of any land within any such territory to hunt, pursue, trap, snare or kill within the said territory and under the direction of the said commissioners any quadrupeds or birds which they may consider harmful to birds and game or to agriculture, or to take or remove the nests or eggs of any such bird.

Copy of order establishing a close season to be published.

SECTION 5. If an order is made by the commissioners as aforesaid establishing a close season or a preserve as above provided, the commission shall cause a copy of the order to be published once a week for two successive weeks in one or more newspapers published in the county or counties embracing the territory, and shall cause copies of the order to be posted in conspicuous places within the cities or towns in which the territory is situated, and also within the limits of the territory itself. If a great pond or any part thereof or any seashore is included within the territory as to which a close season is ordered as aforesaid, a copy of the order shall be filed in the office of the clerk of any city or town bordering

upon the pond or seashore, and also in the office of the secretary of the commonwealth. An order made by the commission in accordance with the provisions hereof shall take effect, when it is posted as above provided. Any order made in accordance with the provisions hereof shall contain a full description of the territory so established, and the period for which it is closed, if any such period is adopted.

SECTION 6. The commissioners may annually expend, in carrying out the provisions of this act, such sum as the general court may from year to year appropriate, which shall be paid out of the treasury of the commonwealth.

Expenditures.

SECTION 7. Whenever a territory has been established as a preserve or when a close season has been established upon a territory by an order as above provided, it shall be unlawful for any person, except as above provided, to molest, hunt, pursue, take or kill any bird or quadruped within the said territory, or therein to disturb or injure any nest, eggs or young or to remove the eggs or young from the nest.

Taking or killing birds, etc., prohibited.

SECTION 8. The entrance of any person with a firearm or any device adapted for killing or injuring birds or quadrupeds or with a trap or snare upon any territory established as a preserve, or upon any territory upon which a close season has been established, according to the provisions of this act, shall be prima facie evidence of a violation of the provisions of this act.

Firearms, etc., to be excluded.

SECTION 9. Whoever violates any provision of this act or of any rule or regulation made hereunder shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than sixty days, or both such fine and imprisonment.

Penalty.

(The foregoing was laid before the Governor on the twenty-seventh day of April, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

AN ACT TO ESTABLISH A BOARD OF SHELLFISH COMMISSIONERS FOR THE CITY OF NEW BEDFORD AND THE TOWN OF FAIRHAVEN.

Chap.411

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful for any person at any time to dig, take, remove, buy or sell any mollusk from the tide waters or flats of the Acushnet river, Clark's cove and New Bedford and Fairhaven harbor in areas which have been

Digging, etc., of mollusks prohibited in certain waters.

condemned or which hereafter may be condemned as polluted waters or flats by the state board of health, except as is hereinafter provided.

A board of shellfish commissioners established in New Bedford and Fairhaven.

SECTION 2. For the purpose of carrying out the provisions of this act there shall be a board of shellfish commissioners, composed of the mayor and the chairman of the board of health of the city of New Bedford and the chairman of the selectmen and the chairman of the board of health of the town of Fairhaven, *ex officio*, who shall be sworn before entering upon the duties of their office. The mayor of the city of New Bedford shall be the chairman of the board. The board shall elect a clerk who shall keep a record of all proceedings of the board and shall issue all notices and attest all papers and orders as the board shall direct.

Authority of the commissioners.

SECTION 3. Said board of shellfish commissioners shall have authority to grant licenses to take mollusks from the polluted waters and flats in the waters mentioned in section one; and the board shall make such rules and regulations, subject to the approval of the state board of health, as in the judgment of the licensing board may be necessary for the enforcement of this act, and may appoint inspectors who shall be sworn to the faithful performance of their duties and who shall have for the enforcement of the provisions of this act all the powers of constables, except the power of serving civil process. Any of said inspectors, and any one lawfully employed to enforce the provisions of this act, may for the purpose of the enforcement thereof, go upon and pass over the lands of any person without being considered a trespasser. The licenses granted hereunder may be revoked at any time by the licensing board. The board shall keep a record of the receipts and expenditures of money and of the licenses issued, which record shall be open at all times for inspection by the state board of health, by the board of commissioners on fisheries and game, or by any agents authorized by either of said two boards. Said licensing board shall make annually a detailed report of its doings to the state board of health and to the board of commissioners on fisheries and game.

Granting of licenses.

SECTION 4. The board of shellfish commissioners may grant a first class license to any person who is a resident of New Bedford or of Fairhaven to take mollusks from the above named waters and to sell the same: *provided*, that the licensee shall forfeit his license for one year if he shall take mollusks from waters outside the polluted area without first

Proviso.

surrendering his license; and if the person holding a first class license shall sell or otherwise dispose of mollusks taken by him under his license to any person or persons other than those who have a second class license as hereinafter provided, or if the licensee shall land the mollusks taken by him or others for any other purpose than to take them to one of the depots hereinafter specified for the purpose of selling them, or if the licensee shall take mollusks from said waters at any other time than between sunrise and sunset, or shall neglect to display his license number in plain view upon both sides of any boat or other conveyance used by him, he shall be liable to the penalties hereinafter imposed for violation of this act.

SECTION 5. Any person, firm or corporation may, in the discretion of the board, be granted a second class license to establish one or more depots upon or opposite the polluted territory for the purchasing and storing of mollusks from the polluted waters hereinbefore specified. Said depots shall be used for buying and storing mollusks from the polluted areas only. Every person who receives the said second class license shall give to the licensing board a bond in the penal sum of five thousand dollars with sureties satisfactory to said board, conditioned upon buying mollusks only from those holding first class licenses, and upon selling or otherwise disposing of the said mollusks only to those holding third class licenses as hereinafter provided, and the licensee shall agree to comply with all such orders and regulations pertaining to the purchase and disposal of the said mollusks as shall be made by the licensing board and approved by the state board of health. Whoever, holding a second class license, violates the condition of his bond, shall forfeit the amount thereof to the licensing board and in addition shall be subject to the penalties hereinafter provided.

Depots may be established for the purchasing and storing of mollusks.

SECTION 6. Any person, firm or corporation, including the holder of a second class license hereunder who can satisfy the licensing board that he or it has suitable grounds within Massachusetts waters for planting mollusks may be granted a third class license to buy, transport and plant mollusks taken from the polluted territory described in this act, conditioned upon buying such mollusks taken from said polluted waters only from those holding second class licenses and upon bedding said mollusks in clean waters within the city or town to be specified in the license, the said city or town to be within the boundaries of this commonwealth, and further

Third class license.

conditioned upon allowing said mollusks there to remain for at least thirty days. The licensee shall agree to comply with such orders and regulations pertaining to the purchase, transportation and planting of said mollusks as shall be made by the licensing board and approved by the state board of health.

Penalty.

SECTION 7. Any person or corporation who violates any provision of this act, or of the rules and regulations lawfully made by said board, shall be liable to a fine of not more than one hundred dollars or to imprisonment for not more than ninety days, or to both such fine and imprisonment, and in addition thereto shall forfeit any license held by him or it hereunder for one year from the date of conviction of such violation.

Fees for
licenses, etc.

SECTION 8. A fee of five dollars shall be charged for a first class license, fifty dollars for a second class license, and one dollar for a third class license. All licenses granted under authority of this act shall bear the name, age, place of residence, and identifying description of the licensee. Said licenses shall be valid for one year from the date of issue and no longer, shall not be transferable, and shall at all times be produced for examination upon the demand or request of any person authorized to enforce the provisions of this act, or of any commissioner on fisheries and game, or of a fish or game warden, or on demand of any sheriff, constable, police officer or other officer authorized to arrest for crime. Failure or refusal to produce said license upon such demand shall be prima facie evidence of a violation of this act.

Receipts to
be used for
enforcing
provisions
of act.

SECTION 9. All moneys received from license fees under this act shall be used by the licensing board for the purpose of enforcing the provisions of this act and for purposes incident thereto. If the moneys received from the licenses granted hereunder are not sufficient to pay the necessary expenses incurred for the purposes herein mentioned, the city of New Bedford shall from time to time appropriate sums of money to meet the deficiency, one half of which shall be repaid by the town of Fairhaven. If at the end of the year there shall be a surplus after meeting all expenses, then such surplus shall be divided equally between the city of New Bedford and the town of Fairhaven.

Repeal.

SECTION 10. Chapter two hundred and eighty-five of the acts of the year nineteen hundred and seven is hereby repealed so far as it relates to the flats and waters included within the provisions of this act. *Approved May 5, 1911.*

AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO MAKE *Chap.412*
AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

SECTION 1. The town of Franklin, for the purpose of extending and improving its water service, may borrow money from time to time and issue therefor negotiable notes or bonds to an amount not exceeding fifty thousand dollars. Such notes or bonds shall bear on their face the words, Additional Franklin Water Loan, Act of 1911, shall be payable at periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the water and sewer commissioners. The town at the time of authorizing the said loan shall provide for its payment in such annual payments, beginning not later than five years after the date of the first issue of any such notes or bonds, as will extinguish the debt within the time prescribed in this act; and when a vote to that effect has been passed the amount required shall, without further vote, be assessed by the assessors of the town annually until the debt incurred by the loan is extinguished. The town shall also raise annually a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating the water works, and the interest as it accrues on the aforesaid notes or bonds. The town may sell the said securities at public or private sale upon such terms and conditions as it may deem expedient: *provided*, that they shall not be sold for less than their par value.

Additional
Franklin
Water Loan,
Act of 1911.

Payment of
loan.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1911.

AN ACT RELATIVE TO A RETIREMENT FUND FOR LABORERS *Chap.413*
EMPLOYED BY THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. There shall be a retirement board for the laborers employed by the city of Boston, consisting of the mayor, the auditor and the treasurer of the city, who shall discharge the duties hereby imposed upon them without additional compensation.

Retirement
fund for
laborers in
the city of
Boston.

SECTION 2. Any laborer employed by the city of Boston who has reached the age of sixty years and who has been in

Retirement
of laborers,
etc.

the service of the city for a period of not less than twenty-five years, and who is physically incapacitated, shall, at his request and with the approval of the retirement board above provided for, be retired from service, and shall receive for the remainder of his life an annual pension equal to one half of the compensation which he received during the last year of his service for the city. It shall be the duty of the said board so to retire any laborer in the service of the city who has reached the age of seventy years and has served the city for a period of not less than twenty-five years.

SECTION 3. This act shall take effect on the first day of March of the year following its acceptance by the city council of the city of Boston.

Approved May 8, 1911.

Time of
taking effect.

Chap. 414

AN ACT RELATIVE TO THE POLICE COURT OF LYNN.

Be it enacted, etc., as follows:

SECTION 1. The towns of Saugus, Marblehead and Nahant are hereby annexed to, and made a part of, the judicial district of the police court of Lynn, for civil business, and the name of said court is hereby changed to the District Court of Southern Essex; but this act shall not affect the authority or jurisdiction of trial justices in criminal cases where the crime is committed in any of said towns, and shall not affect any suit or other proceeding now pending before any justice or court having jurisdiction of the same.

SECTION 2. The class of said court and the salaries of the justice, special justices, clerk and assistant clerk thereof shall be readjusted by the officer paying the salaries, according to the population, as ascertained by the last national census, of the district of said court as enlarged by this act, so as to correspond with the classes and salaries provided for by chapter four hundred and fifty-three of the acts of the year nineteen hundred and four, and acts in amendment thereof and in addition thereto, and the salaries shall be paid in accordance with such readjustment from the first day of January in the year nineteen hundred and eleven.

SECTION 3. This act shall take effect upon its passage.
(*The foregoing was laid before the Governor on the second day of May, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.*)

District
court of
southern
Essex.

Readjustment
of salaries,
etc.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO ABATE A
PORTION OF THE BETTERMENT ASSESSMENTS MADE ON
ACCOUNT OF THE LAYING OUT OF COLUMBIA ROAD. Chap. 415

Be it enacted, etc., as follows:

SECTION 1. The city of Boston may at any time within two years from the passage of this act authorize the board of street commissioners of that city to abate such proportion, not exceeding twenty per cent of any assessment for a betterment made on account of the laying out of Columbia road from Franklin park, in Dorchester, to Marine park, in South Boston, as said board shall deem just and expedient, and may authorize the treasurer of the city to repay such proportion of any such assessment which has been paid into the treasury of the city as said board of street commissioners shall approve. The expense incurred under this act shall be charged to the appropriation for the park department of the city of Boston.

The city of Boston may abate certain assessments.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1911.

AN ACT TO PROVIDE FOR THE REPAIR AND MAINTENANCE OF
A CERTAIN HIGHWAY IN THE TOWN OF TRURO. Chap. 416

Be it enacted, etc., as follows:

The Massachusetts highway commission is hereby authorized, upon application of the selectmen of the town of Truro, to expend a sum not exceeding five hundred dollars in any one year for a period not exceeding ten years, for the construction, repair or maintenance of the highway extending from the railroad crossing at the head of Moon Pond meadow, so-called, in the town of Truro, to the boundary line between the towns of Truro and Provincetown, the amount so authorized to be expended for the purpose specified in this act and for no other. Any unexpended balance of the sum hereby authorized to be expended in any one year may be used in the succeeding years for the same purpose. This sum shall be in addition to any other sums that shall be available for the use of said commission from any other source.

Repair and maintenance of a certain highway in the town of Truro.

Approved May 9, 1911.

Chap.417 AN ACT MAKING AN APPROPRIATION FOR THE SOLDIERS' HOME
IN MASSACHUSETTS.

Be it enacted, etc., as follows:

Soldiers'
Home in
Massachusetts.

SECTION 1. The sum of ninety-six thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, to the Trustees of the Soldiers' Home in Massachusetts, toward the support of the home, as authorized by chapter forty-four of the resolves of the present year, this amount to be paid in equal quarterly instalments.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1911.

Chap.418 AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF
ANNUITIES AND PENSIONS TO SOLDIERS AND OTHERS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the payment of annuities and pensions due from the commonwealth to soldiers and others during the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Annuities.

For annuities, the sum of fifty-eight hundred and thirty-six dollars.

Pensions.

For pensions, the sum of two hundred and eighty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1911.

Chap.419 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE INSURANCE COMMISSIONER.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the insurance department, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Insurance
commissioner.
Deputy.

For the salary of the commissioner, five thousand dollars.

For the salary of the deputy commissioner, thirty-five hundred dollars.

For the salary of the examiner, three thousand dollars.	Examiner.
For the salary of the actuary, two thousand dollars.	Actuary.
For the salary of the chief clerk, two thousand dollars.	Chief clerk.
For the salary of the second clerk, fifteen hundred dollars.	Second clerk.
For the salary of the third clerk, twelve hundred dollars.	Third clerk.
For additional clerks and assistants, a sum not exceeding thirty-eight thousand dollars.	Additional clerks, etc.
For incidental and contingent expenses, a sum not exceeding eleven thousand dollars.	Expenses.
For printing and binding the annual report, a sum not exceeding sixty-three hundred dollars.	Annual report.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1911.

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF PREMIUMS ON SECURITIES PURCHASED FOR THE MASSACHUSETTS SCHOOL FUND. *Chap. 420*

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding five thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the payment by the treasurer and receiver general of premiums on securities purchased for the Massachusetts School Fund, as provided for by section three of chapter forty-one of the Revised Laws. Premiums on securities purchased for the Massachusetts School Fund.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1911.

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF CLAIMS ARISING FROM THE DEATH OF FIREMEN KILLED OR INJURED IN THE DISCHARGE OF THEIR DUTIES. *Chap. 421*

Be it enacted, etc., as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth, as authorized by section seventy-seven of chapter thirty-two of the Revised Laws, for the payment of such claims as may arise in consequence of the death of firemen belonging to the regularly organized fire department of a city or town, or of members in active service of any incorporated protective department, or of any person doing duty at the request of or by order of the authorities of a town which has no organized fire department, who are killed or Claims on account of the death of firemen.

who die from injuries received while in the discharge of their duties at fires, during the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1911.

Chap. 422 AN ACT RELATIVE TO CERTAIN POLITICAL ADVERTISEMENTS.

Be it enacted, etc., as follows:

1907, 581,
§ 3, amended.

Certain corporations prohibited from making political contributions, etc.

Proviso.

SECTION 1. Section three of chapter five hundred and eighty-one of the acts of the year nineteen hundred and seven is hereby amended by adding at the end thereof the words: — *provided, however*, that this section shall not be construed to prevent the bona fide publication or circulation by such a corporation, or such trustee or trustees, of paid matter when under a referendum or question submitted to the voters, the taking, purchasing or acquiring of any of the property, business or assets of the corporation is involved, provided that the name of the corporation appears therein in the nature of a signature, and that, if inserted as reading matter, such matter is preceded or followed by the word “advertisement”, in the manner required by section one, — so as to read as follows: — *Section 3.* No corporation carrying on the business of a bank, trust, surety, indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, or water company, or any company having the right to take or condemn land or to exercise franchises in public ways granted by the commonwealth or by any county, city or town, and no trustee or trustees owning or holding the majority of the stock of such a corporation, shall pay or contribute in order to aid, promote, or prevent the nomination or election of any person to public office, or in order to aid, promote or antagonize the interests of any political party, or to influence or affect the vote on any question submitted to the voters. No person shall solicit or receive such payment or contribution from such corporation or such holders of stock: *provided, however*, that this section shall not be construed to prevent the bona fide publication or circulation by such a corporation, or such trustee or trustees, of paid matter when under a referendum or question submitted to the voters, the taking, purchasing or acquiring of any of the property, business or assets of the corporation is involved, provided that the name of the corporation appears therein

in the nature of a signature, and that, if inserted as reading matter, such matter is preceded or followed by the word "advertisement", in the manner required by section one.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1911.

AN ACT TO PROVIDE FOR THE REGISTRATION OF CARRIERS OF INTOXICATING LIQUORS INTO OR IN CITIES AND TOWNS WHICH DO NOT GRANT LICENSES OF THE FIRST FIVE CLASSES. Chap. 423

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter four hundred and twenty-one of the acts of the year nineteen hundred and six is hereby amended by inserting after the word "annually", in the third line, the words: — in the month of April, — and by inserting after the word "act", in the fourth line, the words: — to become effective on the first day of May following, and to be granted only to a person, firm or corporation regularly and lawfully conducting a general express business and to no other person, firm or corporation, — so as to read as follows: — *Section 2.* The mayor and aldermen in cities and the selectmen in towns in which said licenses of the first five classes are not granted shall annually in the month of April, grant and issue one or more permits under the provisions of this act, to become effective on the first day of May following, and to be granted only to a person, firm or corporation regularly and lawfully conducting a general express business and to no other person, firm or corporation, and every such permit shall specify the residence by street and number (if any) of the holder, and shall be subject to all laws now or hereafter in force relative to the transportation of such liquors.

1906, 421,
§ 2, amended.

Granting of
certain per-
mits, etc.

SECTION 2. This act shall take effect on the first day of July of the current year.

Approved May 9, 1911.

Time of
taking effect.

AN ACT TO AUTHORIZE THE CITIES OF BOSTON AND CAMBRIDGE TO LICENSE AND MAINTAIN FLOATS, BOAT LANDINGS AND OTHER STRUCTURES IN AND UPON THE WATERS OF CHARLES RIVER BASIN LYING EASTERLY OF COTTAGE FARM BRIDGE, SO-CALLED. Chap. 424

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter five hundred and twenty-four of the acts of the year nineteen hundred and nine

1909, 524,
§ 3, amended.

The metro-
politan park
commission
to have care
and control
of the Charles
river basin,
etc.

Proviso.

is hereby amended by striking out all after the word "license", in the twenty-first line, and inserting in place thereof the words: — *provided, however*, that the cities of Boston and Cambridge shall have the sole right to license and maintain, upon such terms and conditions as they may deem reasonable, floats, boat landings and other structures in and upon the waters of said basin to a distance of fifty feet from the shore of lands owned and controlled by the said cities of Boston and Cambridge, — so as to read as follows: — *Section 3.* The metropolitan park commission shall have and exercise exclusive care and control of said basin, as herein defined, as a part of the metropolitan parks system, and of all poles, wires and other structures placed or to be placed on, across, over or in any part of said basin and of the placing thereof except on, across, over or in any existing highway of any city or town or any bridge of any railroad company across said basin. The metropolitan park commission shall also have and exercise over said basin all other powers, duties and liabilities now conferred or imposed upon said commission by chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and acts in addition thereto and in amendment thereof, so far as the provisions of said acts are consistent with the provisions of this act. The metropolitan park commission may license the maintenance of floats and boat landings and other structures in and upon the waters of said basin upon such terms and conditions as they deem that the public interests require, and no float or boat landing or other structure shall be maintained in or upon the waters of said basin without such license: *provided, however*, that the cities of Boston and Cambridge shall have the sole right to license and maintain, upon such terms and conditions as they may deem reasonable, floats, boat landings and other structures in and upon the waters of said basin to a distance of fifty feet from the shore of lands owned and controlled by the said cities of Boston and Cambridge.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1911.

AN ACT IN ADDITION TO THE ACTS MAKING APPROPRIATIONS Chap. 425
FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR AND FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED BY LAW.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, except as hereinafter otherwise provided, for the purposes specified, to wit:—

Appropriations.

For expenses in connection with the segregation and treatment of persons afflicted with epilepsy and other nervous diseases, as authorized by chapter twenty-four of the resolves of the present year, a sum not exceeding three hundred dollars.

Treatment of persons afflicted with epilepsy, etc.

For expenses of a commission to consider in what manner the commonwealth may best co-operate with other states and with the federal government in the development of inland water ways, as authorized by chapter twenty-six of the resolves of the present year, a sum not exceeding five hundred dollars.

Development of inland water ways.

For the estate of Lendell P. Cazeau, as authorized by chapter twenty-seven of the resolves of the present year, the sum of twenty-eight hundred seventeen dollars and thirty-one cents.

Lendell P. Cazeau.

For William J. Batt, as authorized by chapter thirty-seven of the resolves of the present year, the sum of two hundred and fifty dollars.

William J. Batt.

For expenses of an investigation relative to the construction of a teaming tunnel under Boston harbor to East Boston, as authorized by chapter thirty-eight of the resolves of the present year, a sum not exceeding five hundred dollars.

Teaming tunnel under Boston harbor.

For Arthur F. Butterworth, as authorized by chapter thirty-nine of the resolves of the present year, the sum of twenty-five dollars, to be paid out of the Motor Vehicle Fees Fund.

Arthur F. Butterworth.

For the Massachusetts Charitable Eye and Ear Infirmary, as authorized by chapter forty of the resolves of the present year, the sum of forty-five thousand dollars.

Massachusetts Charitable Eye and Ear Infirmary.

To provide for the preservation of an ancient monument or boundary mark between the towns of North Attleborough

Boundary mark between North Attle-

borough and Plainville.

and Plainville, as authorized by chapter forty-two of the resolves of the present year, a sum not exceeding five hundred dollars.

Maneuvers of the militia.

To provide for the payment of expenses incident to maneuvers of the militia in nineteen hundred and eleven, a sum not exceeding fifteen thousand dollars, to be paid out of the appropriation for compensation and transportation of officers and men of the volunteer militia.

Medical examiners' fees.

For medical examiners' fees, a sum not exceeding seven hundred dollars.

Damages caused by wild deer.

For the payment of damages caused by wild deer for the present year and for previous years, a sum not exceeding ten thousand dollars.

Small items of expenditure.

For small items of expenditure for which no appropriations have been made, and for cases in which appropriations have been exhausted or have reverted to the commonwealth in previous years, a sum not exceeding one thousand dollars, to be expended under the direction of the auditor of the commonwealth.

Town of Truro.

For assistance to the town of Truro in maintaining a section of its county highway known as Beach Point road, a sum not exceeding five hundred dollars.

Infantile paralysis.

To provide further for an investigation by the state board of health of infantile paralysis, as authorized by chapter forty-nine of the resolves of the present year, a sum not exceeding ten thousand dollars.

Typhoid fever.

To provide for an extension of the work of the state board of health in regard to the diagnosis of typhoid fever, as authorized by chapter fifty of the resolves of the present year, a sum not exceeding fifteen hundred dollars, this amount to be added to the general appropriation for the state board of health.

Naval brigade.

To provide for the payment of certain bills incurred by a lieutenant of the naval brigade, as authorized by chapter fifty-three of the resolves of the present year, the sum of one hundred twenty-nine dollars and seventy cents.

Water supply of Salem and Beverly.

For an investigation and a report by the state board of health as to a water supply for the cities of Salem and Beverly and the town of Peabody, as authorized by chapter fifty-four of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

Investigation of certain associations.

To provide for an investigation of voluntary associations organized or doing business in the commonwealth under written instruments or declarations of trust, as authorized

by chapter fifty-five of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1911.

AN ACT TO ESTABLISH THE NORTON FIRE DISTRICT.

Chap. 426

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Norton liable to taxation in said town, and residing within the territory enclosed by the following boundary lines, to wit: — Beginning at the junction of Pleasant street and the Attleborough-Norton town line, thence running northeasterly to the junction of the roads known as Worcester street and Walker street, north of the residence of William Fales, thence turning and running easterly to a point upon the road known as Oak street, said point being one thousand feet northerly from the centre line of Main street at the junction known as Dorr's corner; thence turning and running northeasterly to a point upon the road known as Freeman street, said point being one thousand feet from the junction of said Freeman street with the centre line of Main street near the residence of Jerome L'Amaroux; thence turning and running northerly to the junction of the roads known as Mansfield avenue and Reservoir street, west of the residence of Edward Freeman; thence turning and running northerly by Reservoir street to its junction with the road known as Elm street; thence turning and running easterly to the junction of the road known as Washington street with the centre line of the New York, New Haven and Hartford railroad tracks, said junction being known as Otis Sweet's crossing; thence turning and running southerly by the centre line of New York, New Haven and Hartford railroad tracks to a point one thousand feet southerly from the junction of said New York, New Haven and Hartford railroad tracks with the centre line of Main street; thence turning and running southwesterly to the junction of the road known as Pine street and Rumford river; thence deflecting slightly westerly and running to the junction of the roads in Barrowsville known as Harvey street and Deane street, being the first junction southerly from Barrowsville schoolhouse; thence turning and running westerly to the junction of the road known as Union street and the Attleborough-Norton town line; thence running northwesterly by said town line to the point of beginning, —

Norton Fire
District
established.

Boundaries
of district.

shall constitute a fire district, and are hereby made a body corporate by the name of Norton Fire District, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, for assessing and raising taxes for payment of such services, and for defraying the necessary expense of carrying on the business of said district by making contracts for supplying water with the Norton Water Company, or by exercising the authority given said fire district by section seventeen of chapter four hundred and sixty-six of the acts of the year nineteen hundred and ten.

May raise
money by
taxation.

SECTION 2. Said district may raise by taxation such sum as may be necessary to meet the expenses and liabilities incurred under the provisions of this act, and whenever a tax is voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of the town of Norton, who shall proceed within thirty days thereafter to assess the same in the same manner in which town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided for the collection of town taxes and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect overdue interest on taxes in the same manner in which interest is authorized to be collected on town taxes: *provided*, that the district at the time of voting to raise the tax shall so determine and shall also fix a time for payment thereof.

Proviso.

First
meeting.

SECTION 3. The first meeting of said district shall be called on the petition of ten or more legal voters therein by a warrant from the selectmen of the town of Norton, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of said warrant in two or more public places in said district seven days at least before the time of the meeting. One of the petitioners shall preside at the meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. After the choice of a moderator for said meeting the question of the acceptance of this act shall be submitted to the voters, and if it shall be accepted by the majority vote of the voters present and voting thereon it shall take effect, and the meeting may then proceed to act on the other articles contained in the warrant.

Water com-
missioners,
election,
term, etc.

SECTION 4. The Norton Fire District shall, after the acceptance of this act as aforesaid, elect by ballot three per-

sons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as the district may impose by its vote. Said commissioners shall appoint a treasurer of said district, who may be one of their number, who shall give bonds to the district to such an amount and with such sureties as may be approved by the commissioners. A majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said fire district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of the water works except by a written order of said commissioners or of a majority of them.

Vacancy.

SECTION 5. Said district may adopt by-laws, prescribing by whom and how meetings may be called and notified; and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section three. Said district may also choose such other officers not provided for in this act as it may deem necessary or proper.

By-laws,
etc.

SECTION 6. This act shall take effect upon its acceptance by a majority vote of the voters of said district present and voting thereon at a district meeting called in accordance with the provisions of section three, within three years after the passage of this act; but it shall become void unless the said district shall begin to distribute water to consumers within two years after the date of the acceptance of this act as aforesaid.

Acceptance
of act.

Approved May 9, 1911.

AN ACT TO PROVIDE FOR THE PUBLICATION OF A BULLETIN OF COMMITTEE HEARINGS OF THE GENERAL COURT. Chap. 427

Be it enacted, etc., as follows:

SECTION 1. There shall be published during each annual session of the general court bulletins of committee hearings,

Bulletin of
committee
hearings.

and the same shall be under the control of the joint committee on rules, who may appoint the editor thereof and fix his compensation. All bills for editing and printing the bulletin shall be approved by the senate or house chairman of the joint committee on rules before being sent to the auditor of the commonwealth for allowance. The sergeant-at-arms shall mail copies of the bulletin to persons making application therefor on the payment of the sum of two dollars. All sums received for the bulletin shall be paid into the treasury of the commonwealth once in each month.

SECTION 2. This act shall take effect upon its passage.
Approved May 11, 1911.

*Chap.*428 AN ACT TO PROHIBIT THE MAKING OR PUBLISHING OF FALSE OR EXAGGERATED STATEMENTS CONCERNING THE AFFAIRS OF CORPORATIONS, JOINT-STOCK ASSOCIATIONS, PARTNERSHIPS OR INDIVIDUALS.

Be it enacted, etc., as follows:

Publishing
of false or
exaggerated
statements
prohibited,
etc.

SECTION 1. Any person who wilfully and with intent to defraud makes or publishes, or causes to be made or published in any way whatever, or permits to be so made or published, any book, prospectus, notice, report, statement, exhibit, advertisement or other publication of or concerning the affairs, financial condition, property or assets of any corporation, joint-stock association, partnership or individual, which said book, prospectus, notice, report, statement, exhibit, advertisement or other publication contains any statement which is false or wilfully exaggerated and which shall have a tendency to give a less or greater apparent value to the shares, bonds, property or assets of such corporation, joint-stock association, partnership or individual, or any part of said shares, bonds, property or assets, than said shares, bonds, property or assets or any part thereof shall really and in fact possess, shall be punished by a fine of not more than five thousand dollars, or by imprisonment for not more than ten years, or by both such fine and imprisonment.

Repeal.

SECTION 2. Chapter three hundred and eighty-three of the acts of the year nineteen hundred and seven is hereby repealed.
Approved May 11, 1911.

AN ACT RELATIVE TO THE GRANTING AND ISSUING OF LICENSES *Chap. 429*
TO INSURANCE AGENTS AND BROKERS.

Be it enacted, etc., as follows:

SECTION 1. Section ninety-two of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven, and the first paragraph of section ninety-three of the said chapter, as amended by chapter one hundred and seventy of the acts of the year nineteen hundred and eight, ending with the words "its acknowledged agent", are hereby stricken out and the following provisions enacted in place thereof as section ninety-two, — so as to read as follows: —

Section 92. Upon written notice by an insurance company authorized to transact business in this commonwealth of its appointment of a person to act as its agent herein, the insurance commissioner shall, if he is satisfied that the appointee is a suitable person, issue to him a license which shall state, in substance, that the company is authorized to do business in this commonwealth, and that the person named therein is the constituted agent of the company in this commonwealth for the transaction of such business as it is authorized to transact herein. Such notice shall be upon a form furnished by the insurance commissioner and shall be accompanied by a statement under oath by the appointee which shall give his name, age, residence, present occupation, his occupation for the five years next preceding the date of the notice, and such other information, if any, as the insurance commissioner may require, upon a blank furnished by him. The insurance commissioner may at any time after the granting of such license, for cause shown, and after a hearing, determine any person so appointed, or any person theretofore appointed as agent, to be unsuitable to act as such agent, and shall thereupon revoke such license and notify both the company and the agent of such revocation. Unless revoked by the commissioner, or unless the company by written notice to the commissioner cancels the agent's authority to act for it, such license and any other license issued to an agent or any renewal thereof shall expire on the thirtieth day of June next after its issue. But any license issued and in force when this act takes effect or thereafter issued, may, in the discretion of the commissioner, be renewed for a succeeding year or years by a renewal certificate without the commissioner's requiring the detailed information required by this

1907, 576,
§ 92,
superseded.

Appointment
of insurance
agents and
brokers, etc.

act. A foreign company shall pay a fee of two dollars for every such license and for each renewal thereof. While such license remains in force, a foreign company shall be bound by the acts of the person named therein within his apparent authority as its acknowledged agent.

Penalties.

Whoever shall assume to act as such agent or, unless a licensed broker, shall, in any manner, for compensation, aid in negotiating contracts of insurance on behalf of such corporation for a person other than himself, prior to the issuing of a license as aforesaid, or after receiving notice of such finding of unsuitability, or after the determination of the license or renewal, shall be subject to the penalties of section one hundred and twenty.

Certain
licenses to
remain in
force.

SECTION 2. Licenses issued and in force at the date when section one of this act takes effect shall remain in force for the remainder of the term for which they were issued, and the authority of the agents of domestic companies shall cease on June thirtieth next after section one of this act takes effect, unless sooner terminated as provided by law.

1907, 576,
§ 95,
superseded.

The insurance
commissioner
to grant
licenses, etc.

SECTION 3. Said chapter five hundred and seventy-six is hereby further amended by striking out section ninety-five and inserting in place thereof the following: — *Section 95.* The insurance commissioner may upon the payment of ten dollars issue to any suitable person resident in this commonwealth or resident in any other state granting brokers' licenses to residents of this commonwealth, a license to act as an insurance broker to negotiate contracts of insurance or reinsurance or place risks or effect insurance or reinsurance with any qualified domestic insurance company or its agent, or with the authorized agent in this commonwealth of any foreign insurance company duly admitted to do business in this commonwealth, upon the following conditions: The applicant for such a license shall file with the insurance commissioner an application which shall be in writing upon a form to be provided by the commissioner, and shall be executed by the applicant under oath and kept on file by the insurance commissioner. Such application shall state the name, age, residence and occupation of the applicant at the time of making application, his occupation for the five years next preceding the date of filing the application, and shall state that the applicant intends to hold himself out and carry on business in good faith as an insurance broker, and shall give such other information as the commissioner may require. The application shall be accompanied by a state-

Application
for appoint-
ment.

ment upon a blank furnished by the insurance commissioner as to the trustworthiness and competency of the applicant, signed by at least three reputable citizens of this commonwealth. If the insurance commissioner is satisfied that the applicant is trustworthy and competent and intends to hold himself out and carry on business in good faith as an insurance broker, he shall issue to him the license applied for. The commissioner may at any time after the granting of a broker's license, for cause shown, and after a hearing, determine that the licensee has not complied with the insurance laws or is not trustworthy or competent, or is not holding himself out and actually carrying on business as an insurance broker, or is not a suitable person to act as an insurance broker, and he shall thereupon revoke the license of such broker and notify him that his license has been revoked. A broker's license shall remain in force one year from its date unless sooner revoked by the insurance commissioner for cause. The commissioner shall publish a notice of the revocation of a broker's license in such manner as he deems proper for the protection of the public.

License may be revoked.

No fee for the license aforesaid shall be required of any soldier or sailor resident in this commonwealth who served in the army or navy during the war of the rebellion and received an honorable discharge, if he presents to the insurance commissioner satisfactory evidence of his identity.

Certain persons exempt from payment of fee.

Brokers' licenses issued on application as herein provided may, in the discretion of the commissioner, be renewed upon the payment of a fee of ten dollars for each year for a succeeding year or years without his requiring anew the details required in the original application.

Renewal of licenses.

SECTION 4. Section fifteen of said chapter five hundred and seventy-six is hereby amended by inserting after the word "agent", in the fourteenth line, the words: — of a foreign company, — so as to read as follows: — *Section 15.* He shall collect and pay into the treasury charges and fees as follows: for valuation of life policies of a domestic company, two and one half mills for each thousand dollars of insurance; for each examination prior to granting the certificate of authority to issue policies and make contracts of insurance, as provided in section six, thirty dollars; for filing copy of charter or deed of settlement of each foreign company, thirty dollars, and for filing statement with application for admission and for each annual statement, twenty dollars; for each license to procure fire insurance in unauthorized

1907, 576, § 15, amended.

Collection, etc., of certain charges and fees.

foreign companies, twenty dollars annually; for each license to an insurance broker, ten dollars; for each license or renewal thereof to an insurance agent of a foreign company, two dollars; for each certificate of the valuation of the policies of any life insurance company and for each certificate of the examination, condition or qualification of an insurance company, two dollars; for each service of lawful process upon him as attorney, two dollars; for each copy of any paper on file in his office, twelve cents a page and one dollar for certifying the same; and all other fees and charges due and payable into the treasury for any official act or service of the commissioner.

Time of
taking effect.

Proviso.

SECTION 5. Sections one, two and four of this act shall take effect on the first day of January, nineteen hundred and twelve. Section three of this act shall take effect thirty days after its passage: *provided, however*, that persons holding brokers' licenses issued and outstanding when section three of this act takes effect shall not be required to take out new licenses, under the provisions of this act, until their licenses then in force expire, but shall otherwise be subject to the provisions of this act.

Approved May 11, 1911.

Chap.430 AN ACT RELATIVE TO SITTINGS OF THE SUPERIOR COURT IN THE COUNTY OF ESSEX FOR CRIMINAL BUSINESS.

Be it enacted, etc., as follows:

R. L. 157,
§ 24,
amended.

Sittings of
court.

Time of
taking effect.

SECTION 1. The paragraph of section twenty-four of chapter one hundred and fifty-seven of the Revised Laws relative to sittings of the superior court for the county of Essex, being lines fifteen to twenty, both inclusive, is hereby amended by striking out all after the word "October", in the third line of said paragraph, and inserting in place thereof the following: — for criminal business, at Salem, on the second Mondays of January and July; at Newburyport, on the second Monday of April; and at Lawrence, on the second Monday of September, — so as to read as follows: — For the county of Essex, for civil business, at Salem, on the first Mondays of June and December; at Lawrence, on the first Monday of March; and at Newburyport, on the first Monday of October; for criminal business, at Salem, on the second Mondays of January and July; at Newburyport, on the second Monday of April; and at Lawrence, on the second Monday of September.

SECTION 2. This act shall take effect on the first day of September in the year nineteen hundred and eleven.

Approved May 11, 1911.

AN ACT RELATIVE TO THE IMPOSITION AND COLLECTION OF FINES BY UNIONS OR OTHER ASSOCIATIONS. *Chap.431*

Be it enacted, etc., as follows:

SECTION 1. No fine or notice of intention to impose a fine by any union or any other association, incorporated or unincorporated, or by any authorized representative thereof, upon any member thereof, according to the rules thereof to which such member has agreed to conform, shall be held to be unlawful or coercive as to such member or as to any other person: *provided*, that such fine is reasonable in amount and is for a purpose which is legal.

Imposition and collection of fines by unions, etc.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1911.

AN ACT RELATIVE TO THE APPOINTMENT OF COUNSEL FOR DEFENDANTS IN CAPITAL CASES. *Chap.432*

Be it enacted, etc., as follows:

SECTION 1. If a defendant in a capital case does not plead guilty at the time of his arraignment before a police, district or municipal court, or trial justice, the superior court may assign him counsel upon his petition, and upon certification to the superior court of the record of the arraignment and plea by the clerk of the police, district or municipal court, or by the trial justice before whom the arraignment was held. The case shall thereupon be continued until the assignment of counsel has been made, and certification thereof received by the clerk of the police, district or municipal court, or by the trial justice.

Appointment of counsel for defendants in capital cases.

SECTION 2. The superior court may allow reasonable compensation for the services of counsel assigned to defend the prisoner if he is otherwise unable to procure counsel, and such compensation shall be paid by the county in which the indictment is found.

Compensation of counsel.

Approved May 13, 1911.

AN ACT TO PERMIT THE TRANSFER OF SUITS FROM THE SUPERIOR COURT TO THE LAND COURT OR FROM THE LAND COURT TO THE SUPERIOR COURT. *Chap.433*

Be it enacted, etc., as follows:

SECTION 1. If an action has been brought in the superior court which ought to have been brought in the land court,

Transfer of suits from the superior

court to the
land court,
etc.

or if an action has been brought in the land court which ought to have been brought in the superior court, if the error is discovered at any stage of the proceedings the court may, upon motion of either party, order the action with all the papers relating thereto to be transferred to the proper court upon terms to the defendant; and it shall thereupon be entered and prosecuted as if it had been commenced therein, and all prior proceedings otherwise regularly taken shall thereafter be valid.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1911.

Chap.434 AN ACT RELATIVE TO THE RESPONSIBILITY FOR LOSS BY FIRE OF MONEY DEPOSITED IN CASH-RECORDING GAS, ELECTRIC LIGHTING AND POWER METERS.

Be it enacted, etc., as follows:

Responsibility
for loss of
money de-
posited in
meters.

All gas and electric lighting and power companies using cash-recording meters shall be responsible for the loss by fire of any money deposited in said meters.

Approved May 13, 1911.

Chap.435 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO ESTABLISH A PLAYGROUND IN WARD FIVE OF THAT CITY.

Be it enacted, etc., as follows:

The city of
Boston may
establish a
playground
in ward five,
etc.

SECTION 1. The city of Boston is hereby authorized to purchase land for a playground in ward five in that city, and to construct and equip the same. For this purpose the city may expend a sum not exceeding one hundred thousand dollars outside of its debt limit, and the treasurer of the city shall issue bonds therefor, payable in periods not exceeding twenty years from their dates, and bearing interest at a rate not exceeding four per cent per annum. The said bonds shall be issued upon the serial payment plan upon the terms and conditions specified herein, and upon such further terms and conditions as may be fixed by the treasurer of the city with the approval of the mayor.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1911.

AN ACT RELATIVE TO THE APPOINTMENT OF DEPUTY ELECTION OFFICERS IN CERTAIN CITIES. *Chap.436*

Be it enacted, etc., as follows:

SECTION 1. In cities which accept the provisions of this act the following election officers shall not be appointed: — deputy warden, deputy clerk and deputy inspectors. Appointment of certain election officers.

SECTION 2. This act shall take effect in any city upon its acceptance by the board of aldermen or by the board having the powers of a board of aldermen, but not otherwise. Time of taking effect.

Approved May 13, 1911.

AN ACT TO AUTHORIZE THE TOWN OF ATTLEBOROUGH TO INCUR ADDITIONAL INDEBTEDNESS FOR SEWERAGE PURPOSES. *Chap.437*

Be it enacted, etc., as follows:

SECTION 1. The town of Attleborough, for the purposes mentioned in chapter one hundred and fifty-seven of the acts of the year nineteen hundred and nine, may incur indebtedness to an amount not exceeding two hundred thousand dollars in addition to the amount authorized by said chapter, and may issue therefor, from time to time, bonds or notes, which shall not be reckoned in determining the statutory limit of indebtedness of the town. Such bonds or notes shall bear on their face the words, Attleborough Sewerage Loan, Act of 1911, shall be payable in periods not exceeding thirty years from the dates of issue, and shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum. They shall be signed by the treasurer of the town and countersigned by a majority of the selectmen. The town may, from time to time, sell such securities or any part thereof at public or private sale, but they shall not be sold for less than their par value. The proceeds shall be retained in the treasury and the treasurer shall, upon the order of the town board of sewer commissioners or of the duly authorized committee of construction, pay therefrom the expenses incurred for the purposes mentioned in said chapter. Attleborough Sewerage Loan, Act of 1911.

SECTION 2. The town shall at the time of authorizing said loan provide for the payment thereof in such annual payments as will extinguish the same within the time provided in this act; and when a vote to that effect has been Payment of loan.

passed the amount required thereby, less the amount that may be appropriated therefor under the provisions of section eight of said chapter shall, without further vote, be assessed by the assessors of the town in each year thereafter in the same manner in which other taxes are assessed, until the debt incurred by said loan is extinguished.

SECTION 3. Section seventeen of said chapter is hereby amended by striking out the words "next but one after the commencement of said work of construction", in the fifth and sixth lines, and inserting in place thereof the words: — of the town for the year nineteen hundred and thirteen, — so as to read as follows: — *Section 17.* Until said board of sewer commissioners shall have been elected as provided in this act the town may carry on the construction of the system of sewerage by a duly authorized committee of the town, but for a period not longer than until the annual meeting of the town for the year nineteen hundred and thirteen. Said committee shall serve without pay and shall have all the powers and authority given to the board of sewer commissioners in this act or by the general laws relating to boards of sewer commissioners.

Approved May 13, 1911.

Chap.438 AN ACT TO REGULATE THE DRAWING OF WATER FROM SANDY POND BY THE TOWNS OF CONCORD AND LINCOLN.

Be it enacted, etc., as follows:

SECTION 1. Until such time hereafter as the waters of Sandy pond in the town of Lincoln shall rise to within eighteen inches of the present high water mark, namely, the top of the iron flash board on the stone dam heretofore established by the town of Concord to increase the storage capacity of said pond, the town of Concord shall not during any calendar month withdraw water from said pond in excess of a daily average of fifty thousand gallons: *provided, however,* that in case of accident to any of its supplying works, or other extraordinary need or emergency, the town of Concord may, with the approval of the state board of health, withdraw from said pond such quantities of water in excess of a daily average of fifty thousand gallons at such times and for such periods of time as said board may determine to be reasonable and proper, but not exceeding in any one year a total amount of twenty million gallons.

SECTION 2. At all times after the waters of said pond shall have risen to within eighteen inches of the high water

1909, 157,
§ 17,
amended.

Construction
of system of
sewerage.

Drawing of
water from
Sandy pond
by certain
towns.

Proviso.

Regulating
the drawing
of water,
etc.

mark described in section one of this act, the town of Concord may, for the purposes specified in section one of chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-two, withdraw an unlimited supply of water from said pond whenever the waters in said pond shall be not more than three feet below said high water mark; and whenever said waters shall be more than three feet, and not more than four feet below said high water mark, the town of Concord may withdraw from said pond a quantity of water not exceeding a daily average of two hundred thousand gallons. Whenever the waters of said pond shall be drawn to a level four feet below said high water mark the right of the town of Concord to draw water from said pond shall cease until the water in the pond shall again rise to or above a level four feet below said high water mark: *provided, however,* Proviso. that at all times when the water in said pond shall fall to a level four feet or more below said high water mark the town of Concord shall have the right to withdraw water from said pond in such quantities and for such periods of time as the state board of health shall upon investigation determine to be reasonable and proper under all the circumstances.

SECTION 3. At all times hereafter the town of Lincoln may, for the purposes specified in section one of chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-two, withdraw from said pond all the water necessary to meet the reasonable requirements of the town of Lincoln and the inhabitants thereof as provided in said last named section. The town of Lincoln may withdraw water, etc.

SECTION 4. The towns of Concord and Lincoln shall adopt all reasonable measures recommended by the state board of health to prevent the wasting or improper use of water withdrawn from said pond by said towns or by either of them under the provisions of this act; and the respective boards of water commissioners of said towns shall, on or before the tenth day of January and July of each year, file with the state board of health a record of the height of water in said pond on or about the first of each of the preceding six months, said measurements to be with reference to the high water mark described in section one of this act; and said boards of water commissioners shall also file with the state board of health a record of the quantity of water withdrawn from said pond by each of said towns during the six calendar months next preceding said January and July, as determined by suitable measuring devices to be maintained by each town, Wasting or improper use of water to be prevented, etc.

respectively, which shall measure with reasonable accuracy the quantity of water so withdrawn from said pond.

SECTION 5. Except as is otherwise provided herein, nothing contained in this act shall be construed as affecting the existing rights of said towns of Concord and Lincoln or of either of them to the waters of said pond or the use thereof.

SECTION 6. This act shall take effect upon its passage.

Approved May 13, 1911.

Chap.439 AN ACT RELATIVE TO REBUILDING EXISTING BRIDGES OVER CHARLES RIVER.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter six hundred and twenty-eight of the acts of the year nineteen hundred and ten is hereby amended by striking out the words "With the consent of the United States government", in the ninth and tenth lines, by striking out the word "ten", in the fifteenth line, and inserting in place thereof the word: — twelve, — and by inserting after the word "basin", in the sixteenth line, the words: — over the main ship channel, and the piers and other obstructions to the flow of the river shall be constructed in such form and in such places as the secretary of war of the United States shall approve, — so as to read as follows: — *Section 1.* The metropolitan park commission is hereby authorized to replace or rebuild any of the existing bridges over Charles river within the metropolitan parks district whenever funds for the purpose shall become available by gift under the provisions of this act: *provided, however,* that no such bridge shall be replaced or rebuilt unless the consent of the city government and of the selectmen of any town in which any part of the bridge is situated shall first be obtained. Any such bridge may be replaced or rebuilt without a draw for the passage of vessels, and may be of no greater height above the water than, in the judgment of said commission, the architectural appearance of the bridge would require, except that every such bridge shall be so constructed as to leave a clear height of at least twelve feet above the ordinary level of the water in the basin over the main ship channel, and the piers and other obstructions to the flow of the river shall be constructed in such form and in such places as the secretary of war of the United States shall approve. When the work of replacing or rebuilding any such bridge is completed, the bridge shall be maintained and

Existing rights of the towns of Concord and Lincoln not affected.

1910, 628, § 1, amended.

Rebuilding of certain bridges over the Charles river.

Proviso.

policed under and in accordance with the laws governing such amendments and policing at the time when the work was begun.

SECTION 2. Section two of said chapter is hereby amended by adding at the end thereof the following: — Any owner or lessee of property abutting on the Charles river above any drawless bridge built under authority hereof and under authority of the act of congress entitled “An Act to authorize the construction of drawless bridges across a certain portion of the Charles river in the state of Massachusetts”, approved February twenty-seven, nineteen hundred and eleven, shall be entitled to adequate compensation for damages, if any, caused to said property or leasehold interests therein, by reason of the interference with access by water to said property due to the construction of any such drawless bridge, in accordance with provisos contained in said act of congress. Upon petition of any such owner or lessee entitled to such damages, filed in the supreme judicial court within one year after any such bridge without a draw is opened for public travel, said court shall appoint three commissioners to hear the parties in interest, and to assess the damages to said property; and the decision of said commissioners as to the amount of said damages and as to questions of fact involved shall be final, — so as to read as follows: — *Section 2.* The treasurer and receiver general of the commonwealth is authorized to receive, hold, manage and invest any funds given or bequeathed to him in trust, by any person or corporation, upon such terms, conditions and limitations as the donor may impose, for the purpose of enabling the metropolitan park commission to carry out the provisions of this act, and the commission, whenever it shall deem that the public interests so require, may expend under authority of this act and of any other act relating to the commission, any such funds in accordance with the terms, conditions or limitations aforesaid. Any owner or lessee of property abutting on the Charles river above any drawless bridge built under authority hereof and under authority of the act of congress entitled “An Act to authorize the construction of drawless bridges across a certain portion of the Charles river in the state of Massachusetts”, approved February twenty-seven, nineteen hundred and eleven, shall be entitled to adequate compensation for damages, if any, caused to said property or leasehold interests therein, by reason of the interference with access

1910, 628.
§ 2, amended.

The treasurer
and receiver
general to
hold and in-
vest certain
funds, etc.

by water to said property due to the construction of any such drawless bridge, in accordance with provisos contained in said act of congress. Upon petition of any such owner or lessee entitled to such damages, filed in the supreme judicial court within one year after any such bridge without a draw is opened for public travel, said court shall appoint three commissioners to hear the parties in interest, and to assess the damages to said property; and the decision of said commissioners as to the amount of said damages and as to questions of fact involved shall be final.

1910, 628,
§ 3, amended.

SECTION 3. Section three of said chapter is hereby amended by striking out the words "this section", in the eighth line, and inserting in place thereof the words: — sections two and three of this act, — by striking out the word "said", in the twelfth line, by striking out the words "of fifty thousand dollars", in said twelfth line, and inserting in place thereof the words: — necessary hereunder, — by striking out the word "said", in the twenty-first line, and by inserting after the word "seven", in the same line, the words: — of the acts of the year eighteen hundred and ninety-three, — so as to read as follows: — *Section 3.* The metropolitan park commission may acquire by purchase title to such lands on the banks of Charles river in the city of Boston as the commission may deem necessary properly to connect lands on said river now under the care and control of the commission, and for this purpose the commission may also expend a further sum not exceeding fifty thousand dollars. To meet expenditures made under authority of sections two and three of this act, the treasurer and receiver general, with the approval of the governor and council, shall issue scrip or certificates of indebtedness, bearing interest at a rate not exceeding four per cent per annum, to the amount necessary hereunder, as an addition to the Metropolitan Parks Loan, at such times and in such sums as the metropolitan park commission shall certify to him to be necessary for the purpose aforesaid, and shall add to the existing sinking fund to provide for the payment of the same. Such scrip or certificates of indebtedness shall be issued and additions to the said sinking fund shall be assessed and collected in accordance with the provisions of sections nine, ten, eleven and twelve of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, and in accordance with the provisions of chapter two hundred and eighty-three of the acts of the year

Title to cer-
tain lands,
etc.

Addition to
the Metro-
politan Parks
Loan.

eighteen hundred and ninety-five, and of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine.

SECTION 4. This act shall take effect upon its passage.

Approved May 13, 1911.

AN ACT TO AUTHORIZE THE CHIEF OF THE DISTRICT POLICE *Chap.440*
TO GRANT SPECIAL PERMISSION FOR EXHIBITIONS IN
CHURCHES, HALLS OR OTHER BUILDINGS.

Be it enacted, etc., as follows:

SECTION 1. The chief of the district police may grant special permission for exhibitions of moving pictures in churches, halls or other buildings in the cities and towns of the commonwealth, which, in his opinion, are in safe condition for said exhibitions, and he may prescribe regulations for the proper conduct of the same. Certain exhibitions in churches, halls, etc.

SECTION 2. A fee of two dollars shall accompany each application for a special permission as provided for in the foregoing section. Fee.

SECTION 3. The provisions of this act shall not apply to the city of Boston. Not to apply to the city of Boston.

SECTION 4. This act shall take effect upon its passage.

Approved May 13, 1911.

AN ACT RELATIVE TO UNEXPENDED BALANCES OF APPROPRIATIONS FOR SCHOOL PURPOSES IN THE CITY OF CAMBRIDGE. *Chap.441*

Be it enacted, etc., as follows:

SECTION 1. The unexpended balance in any year of the amount appropriated by law for school purposes in the city of Cambridge may, by written request of the school committee addressed to the city treasurer, be carried to the credit of the school committee for use in subsequent years for school purposes, and this shall be in addition to the five dollars on each one thousand dollars of taxable property to be appropriated or expended by the school committee in any subsequent years. Balances of appropriations for school purposes in the city of Cambridge.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1911.

Chap.442 AN ACT RELATIVE TO POLE AND WIRE LOCATIONS OF STREET RAILWAY COMPANIES.

Be it enacted, etc., as follows:

Pole and wire locations of street railway companies.

SECTION 1. A street railway company may, for all purposes necessary or reasonably incident to the construction, maintenance or operation of its railway, generate, manufacture, use and transmit electricity in any city or town in which it may be authorized to operate its railway, and for that purpose may erect and maintain, as a part of its railway, and subject to the provisions of sections seven, sixty-four, sixty-five and sixty-six, respectively, of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, relative to the grant and revocation of authority therefor, poles and trolley, feed and stay wires, and other proper devices for, or used in connection with, the transmission of electricity, of such materials and workmanship as may be prescribed in the grant of authority therefor, in, over and under any streets, highways and bridges in any such city or town: *provided*, that authority to erect and maintain the same has been, or shall hereafter be, granted by the board of aldermen of the city or selectmen of the town, respectively; and may also erect and maintain such poles, wires and other devices upon and over any private land, with the consent of the owners thereof.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1911.

Chap.443 AN ACT RELATIVE TO THE PRACTICE OF MANICURING AND MASSAGE AND THE GIVING OF VAPOR BATHS.

Be it enacted, etc., as follows:

Practice of manicuring and massage, etc.

SECTION 1. It shall be unlawful for any person to practise manicuring or massage or to conduct an establishment for the giving of vapor baths for hire or reward or to advertise or hold himself out as being engaged in the business of manicuring, massage or the giving of said baths without receiving a license therefor from the board of health of the city or town in which the said occupation is to be carried on. The board of health may grant the license upon such terms and conditions, and may make such rules and regulations in regard to the carrying on of

the occupation so licensed, as it may deem proper, and may revoke any license granted by it for such cause as it may deem sufficient, and without a hearing.

SECTION 2. Members of the police department of any city or town shall have the right to enter and inspect any premises in that city or town in which manicuring or massage or the giving of vapor baths is carried on by persons licensed as aforesaid.

Enforcement
of law.

SECTION 3. Whoever violates any provision of this act, or any rule or regulation made under authority hereof, or prevents or hinders any member of a police force from exercising the authority hereby conferred upon him shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

Penalty.

Approved May 13, 1911.

AN ACT TO DEFINE THE DUTIES AND POWERS OF SUPERINTENDENTS OF SCHOOLS. *Chap. 444*

Be it enacted, etc., as follows:

SECTION 1. The superintendent of schools employed in accordance with section forty, section forty-one or section forty-four of chapter forty-two of the Revised Laws, shall, under the direction of the school committee, have the care and supervision of the public schools, and shall be the executive officer of the school committee. He shall assist the school committee in keeping its records and accounts and in making such reports as are required by law.

Duties and
powers of
school super-
intendents
defined.

SECTION 2. The superintendent of schools shall recommend teachers to the school committee, and shall also recommend text-books and courses of study to the school committee.

Recommendations of superintendents.

SECTION 3. This act shall take effect upon its passage.

Approved May 13, 1911.

AN ACT TO ESTABLISH THE SALARIES OF THE ASSISTANT REGISTERS OF PROBATE AND INSOLVENCY FOR THE COUNTY OF SUFFOLK. *Chap. 445*

Be it enacted, etc., as follows:

SECTION 1. The salaries of the assistant registers of probate and insolvency for the county of Suffolk shall be twenty-eight hundred dollars each annually.

Salaries of
assistant
registers of
probate,
county of
Suffolk.

Repeal.

SECTION 2. So much of any act as is inconsistent herewith is hereby repealed.

Time of taking effect.

SECTION 3. This act shall take effect on the first day of the calendar month next succeeding its passage.

Approved May 13, 1911.

Chap.446 AN ACT TO PROVIDE FOR PRINTING AND DISTRIBUTING ADDITIONAL COPIES OF THE ANNUAL REPORT OF THE TRUSTEES OF HOSPITALS FOR CONSUMPTIVES.

Be it enacted, etc., as follows:

Printing, etc., of annual report.

There shall be printed annually two thousand copies of the report of the trustees of hospitals for consumptives, of which one thousand shall be distributed by the trustees at their discretion.

Approved May 13, 1911.

Chap.447 AN ACT RELATIVE TO ESTIMATES OF COUNTY RECEIPTS AND EXPENDITURES.

Be it enacted, etc., as follows:

Estimates of county receipts and expenditures.

The county commissioners of each county, except Suffolk and Nantucket, shall, when forwarding the estimates of the receipts and expenditures of their counties for the ensuing year to the controller of county accounts, as provided in section twenty-seven of chapter twenty-one of the Revised Laws, accompany them with an explanation of the reason for any changes in the appropriations from the preceding year and with citations of the statutes relating thereto. With the statement of the estimated expenditures for the ensuing year shall be stated the amount appropriated for the preceding year and the expenditures for each of the preceding three years.

Approved May 13, 1911.

Chap.448 AN ACT TO AUTHORIZE THE CITY OF QUINCY TO INCUR INDEBTEDNESS FOR WATER SUPPLY PURPOSES.

Be it enacted, etc., as follows:

Quincy Public Water Supply Loan, Act of 1911.

SECTION 1. The city of Quincy, for the purpose of extending its water mains, fixtures, meters, works and service, may from time to time issue bonds, notes or scrip, to be denominated on the face thereof, Quincy Public Water Supply Loan, Act of 1911, to an amount not exceeding two

hundred thousand dollars, outside the limit of indebtedness fixed by law for that city, and in addition to the amounts heretofore authorized by law to be issued by the city for the same purposes. Such bonds, notes or scrip shall be payable at the expiration of periods not exceeding twenty years from their dates of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the city and countersigned by the mayor.

SECTION 2. The city of Quincy shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed by the city council and approved by the mayor, the amount required thereby shall without further vote be assessed by the assessors of the city in each year thereafter, in the same manner in which other taxes are assessed, until the debt incurred by said loan is extinguished.

Payment of
loan.

SECTION 3. This act shall take effect upon its passage.

Approved May 13, 1911.

AN ACT RELATIVE TO THE TERMS OF OFFICE OF HEADS OF DEPARTMENTS IN THE MILITIA. Chap. 449

Be it enacted, etc., as follows:

SECTION 1. The term of office of the inspector general, the judge advocate general, the quartermaster general, the commissary general of subsistence, the surgeon general, the chief of the pay department, the chief of the ordnance department and the chief of the naval bureau shall hereafter be five years: *provided, however*, that where no vacancy in said offices exists at the date of the passage of this act, said term of five years shall begin to run at said date.

Terms of
office of heads
of departments
in the militia.

Proviso.

SECTION 2. The officers whose terms are limited by section one of this act shall be eligible for reappointment subject to the provisions of section forty-two of chapter six hundred and four of the acts of the year nineteen hundred and eight, as amended by chapter two hundred and ninety-nine of the acts of the year nineteen hundred and ten.

Reappoint-
ment.

SECTION 3. This act shall take effect upon its passage.

Approved May 13, 1911.

Chap.450 AN ACT TO AUTHORIZE THE TOWN OF WESTFIELD TO TAKE LAND FOR THE PURPOSE OF ERECTING THEREON A POLICE STATION OR LOCKUP.

Be it enacted, etc., as follows:

The town of Westfield may take certain land, etc.

SECTION 1. The inhabitants of the town of Westfield, at a meeting held for the purpose, may vote to take in fee any land within the limits of said town not appropriated to public uses, as a place for the erection of a building or buildings to be used for a police station or lockup or for town offices, and for other purposes incidental thereto; but the land so taken shall not exceed two acres in area.

Taking to be recorded.

SECTION 2. The town shall, within sixty days after the passage of such a vote, file and cause to be recorded in the registry of deeds for the county of Hampden a statement that the town takes the land, and the purpose of the taking, with such a description thereof as is customary in a common conveyance of land, which statement shall be signed by the selectmen; and upon such recording the land so described shall be deemed to be taken in fee by said town.

Damages.

SECTION 3. The selectmen of the town may agree with any person sustaining damages to his property by such taking upon the amount thereof, and the town shall pay the same; but, if the parties are unable to agree, the damages shall, upon the petition of either party, filed in the superior court for the county of Hampden within two years after the date of the recording of the statement, be determined by a jury in the manner provided by law for determining damages sustained by the taking of land in laying out highways.

SECTION 4. This act shall take effect upon its passage.

Approved May 13, 1911.

Chap.451 AN ACT RELATIVE TO THE RELEASE OF CERTAIN PRISONERS FROM THE STATE PRISON ON PAROLE.

Be it enacted, etc., as follows:

Permits to be at liberty may be granted to certain prisoners, etc.

SECTION 1. The prison commissioners may grant a special permit to be at liberty from the state prison to a prisoner held therein upon a sentence with a minimum term of more than two and one half years, when he has served two thirds of such minimum term, if it appears to the commissioners that the prisoner is likely to lead an orderly life, and they have a reasonable assurance that he

will not become a charge upon public or private charity; but no such permit shall be granted to any prisoner until he has served at least two and one half years. A prisoner who is held in the state prison upon two or more sentences may be eligible for release under this act when he has served two thirds of the aggregate of the minimum terms of his sentences.

SECTION 2. Every permit granted hereunder shall be issued upon terms and conditions prescribed by the prison commissioners, and shall be in force until the maximum term of the sentence has expired. The prison commissioners may revoke the permit for any violation of its terms and conditions, and thereupon may issue an order reciting the cause of the revocation, and authorizing the arrest of the holder of the permit and his return to the state prison where he may be held according to the terms of his original sentence; and in that case the time between the release on permit and the return shall not be considered as any part of the term of the sentence. The order for the arrest and return of the prisoner may be executed by any officer authorized to serve criminal process; and if at the time when the order is issued, the prisoner is confined in any prison under another sentence, the service of the order shall be made upon his release therefrom.

Terms and conditions, etc.

SECTION 3. Any prisoner who is eligible for a release in accordance with section one of this act may apply for release on parole as therein provided. The application shall be transmitted to the prison commissioners by the warden of the state prison who shall send with it a report of the prisoner's conduct and industry, a statement concerning the prisoner's health, and any other information respecting the case which the warden can supply; and the prison commissioners are prohibited from entertaining any other form of application or petition for the release of a prisoner under this act.

Applications for release, etc.

Approved May 13, 1911.

AN ACT TO PROVIDE ADDITIONAL CLERICAL ASSISTANCE FOR THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF BRISTOL.

Chap. 452

Be it enacted, etc., as follows:

SECTION 1. The register of probate and insolvency for the county of Bristol shall be allowed, in addition to the amount now allowed by law, a sum not exceeding one thou-

Clerical assistance to the register of probate, etc., county of Bristol.

sand dollars for clerical assistance, to be paid from the treasury of the commonwealth upon the certificate of the register, countersigned by the judge of probate and insolvency.

SECTION 2. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the eighth day of May, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap.453 AN ACT RELATIVE TO THE LAYING OUT OF A STREET ACROSS THE BACK BAY FENS IN THE CITY OF BOSTON TO CONNECT HUNTINGTON AVENUE WITH AUDUBON ROAD.

Be it enacted, etc., as follows:

Laying out of a street across the Back Bay Fens in Boston.

SECTION 1. The city of Boston by its board of street commissioners, with the approval of the mayor, may lay out and construct, in accordance with the provisions of chapter three hundred and ninety-three of the acts of the year nineteen hundred and six, a street from the junction of Huntington avenue and Hemenway street across the Back Bay Fens, to connect with Audubon road at the junction of Jersey street. The street so laid out and constructed shall be used for all the purposes for which public streets are now used in the city of Boston.

Certain act not to apply.

SECTION 2. So much of said chapter three hundred and ninety-three as limits assessments to land within one hundred and twenty-five feet from the improved streets shall not apply to any proceedings had, improvements made or work done under this act.

SECTION 3. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the ninth day of May, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap.454 AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE CLERK OF THE EAST BOSTON DISTRICT COURT.

Be it enacted, etc., as follows:

1907, 323, § 1, amended.

SECTION 1. Chapter three hundred and twenty-three of the acts of the year nineteen hundred and seven is hereby amended by striking out section one and inserting in place

thereof the following: — *Section 1.* The clerk of the East Boston district court may annually expend a sum not exceeding eight hundred dollars for clerical assistance in his office. Clerical assistance.

SECTION 2. This act shall take effect upon its passage.

(*The foregoing was laid before the Governor on the ninth day of May, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.*)

AN ACT RELATIVE TO THE INSPECTION OF ELEVATORS.

Chap. 455

Be it enacted, etc., as follows:

Section twenty-eight of chapter one hundred and four of the Revised Laws is hereby amended by inserting after the word "buildings," in the third line, the words: — or of the inspector of buildings of a city or town, — so as to read as follows: — *Section 28.* If an elevator which is used for freight or passengers is, in the judgment of the inspector of factories and public buildings, or of the inspector of buildings of a city or town, unsafe or dangerous to use or has not been constructed in the manner required by law, said inspector shall immediately post conspicuously upon the entrance to or door of the cab or car of such elevator a notice of its dangerous condition and shall prohibit its use until made safe to his satisfaction. No person shall, without authority from said inspector, remove such notice or operate such elevator while the notice is posted as aforesaid. The provisions of this section shall not apply to the city of Boston. R. L. 104,
§ 28,
amended.

Unsafe elevators, etc.

Approved May 18, 1911.

AN ACT TO MAKE UNIFORM THE LAW RELATING TO DESERTION AND NON-SUPPORT OF WIFE BY HUSBAND OR OF CHILDREN BY EITHER FATHER OR MOTHER.

Chap. 456

Be it enacted, etc., as follows:

SECTION 1. Any husband who without just cause deserts his wife or minor child or children, whether by going into another town or city in this commonwealth or into another state, and leaves them or any or either of them without making reasonable provision for their support, and any husband who unreasonably neglects or refuses to provide for the support and maintenance of his wife or minor child or children, or abandons or leaves them or any or either of Making uniform the law relating to desertion and non-support.

them in danger of becoming a burden upon the public, and any parent, whether father or mother, who deserts or wilfully neglects or refuses to provide for the support and maintenance of his or her child or children under the age of sixteen, or whose minor child by reason of the neglect, cruelty, drunkenness, habits of crime or other vice of such parent is growing up without education, or without salutary control, or without proper physical care or in circumstances exposing such child to lead an idle and dissolute life, shall be guilty of a crime, and on conviction thereof shall be punished by a fine not exceeding two hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 2. All fines imposed under the provisions of the foregoing section may, in the discretion of the court, be ordered to be paid in whole or in part to the probation officer under the provisions of section one of chapter two hundred and twenty of the Revised Laws, as amended by section one of chapter three hundred and thirty-eight of the acts of the year nineteen hundred and five, to be paid by such probation officer to the wife or to the city, town, corporation, society or person actually supporting the wife or minor child or children at the time when the sentence was imposed, or to the treasurer of the commonwealth for the use of the state board of charity if the minor child or children have been committed to said board.

SECTION 3. Proceedings under this act may be begun upon complaint made under oath or affirmation by the wife, or by the child or children, or by any other person against any person guilty of any of the above named offences, in the municipal, district or police court, or before the trial justice of the district in which the husband and wife, or either of them, are living or in which they last lived together.

SECTION 4. At any time before the trial, upon petition of the complainant and upon notice to the defendant, the court, or a judge thereof in vacation, may enter such temporary order as may seem just, providing for the support of the deserted wife or children, or both, *pendente lite*, and may punish any violation of such order as for contempt.

SECTION 5. Before the trial, with the consent of the defendant, or at the trial, on entry of a plea of guilty, or after conviction, if the defendant is placed on probation or if his sentence is suspended and he is placed on probation under the provisions of section one of chapter two hundred

Payment of
fines, etc.

Complaint,
etc.

Temporary
order, etc.

Defendant,
in certain
cases, to pay
a periodical
sum, etc.

and twenty of the Revised Laws, as amended by section one of chapter three hundred and thirty-eight of the acts of the year nineteen hundred and five, the court in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have power to make an order, which shall be subject to change by the court from time to time as circumstances may require, directing the defendant to pay a certain sum periodically, for a term not exceeding two years, to the probation officer, who shall pay over the same to the wife or to the guardian or custodian of the said minor child or children, or to the city, town, corporation or society supporting the wife or minor child or children at the time when the sentence was imposed, or to the treasurer of the commonwealth for the use of the state board of charity when the complaint is for neglect to provide for the support of the minor child or minor children who have been committed to the custody of said board; and the court shall also have power to release the defendant from custody on probation for the period so fixed, upon his or her entering into a recognizance, with or without surety, in such sum as the court or a judge thereof in vacation may order and approve. The condition of the recognizance shall be that if the defendant shall make his or her personal appearance in court, whenever ordered to do so, and shall comply with the terms of the order of support, or of any subsequent modification thereof, then the recognizance shall be void, but otherwise it shall be of full force and effect. Suit may be brought upon said recognizance by any person authorized by the court, and the proceeds of the suit shall be applied to the support of the wife or of the minor child or children as the court shall direct.

Condition of
recognizance,
etc.

SECTION 6. If the court be satisfied by information and due proof under oath that at any time during said period of probation the defendant has violated the terms of the order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the suspended sentence, as the case may be. In case of the forfeiture of the recognizance and enforcement thereof by execution the sum recovered may, in the discretion of the court, be paid in whole or in part to the probation officer, who shall pay over the same to the wife, or to the guardian or custodian of said minor child or children, or to the city, town, corpora-

Proceedings
in cases of
violation of
terms of order
of court, etc.

Forfeiture of
recognizance.

tion or society supporting the wife or minor child at the time when the sentence was imposed, or to the treasurer of the commonwealth for the use of the state board of charity when the complaint is for neglect to provide for the support of a minor child or of minor children who have been committed to the custody of said board.

Proof of marriage.

SECTION 7. No other or greater evidence shall be required to prove the marriage of the husband and wife, or that the defendant is the father or mother of the child or children, than is or shall be required to prove the same facts in a civil action. In no prosecution under this act shall any existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife apply, and both husband and wife shall be competent witnesses to testify against each other to any and all relevant matters, including the fact of their marriage and the parentage of the child or children: *provided*, that neither shall be compelled to give evidence incriminating himself or herself. Proof of the desertion of the wife, child or children, and of the neglect or refusal to make reasonable provision for their support and maintenance, shall be prima facie evidence that such desertion, neglect or refusal is wilful and without just cause.

Proviso.

A certain sum to be paid weekly toward the support of certain persons in destitute or needy circumstances, etc.

SECTION 8. It shall be the duty of the superintendent, master or keeper, as the case may be, of any reformatory or penal institution in which any person is confined by virtue of a sentence imposed under the provisions of this act, providing that the court imposing such sentence finds the wife, child or children, as the case may be, of such person to be in destitute or needy circumstances, and so orders, to pay over to the probation officer, at the end of each week a sum equal to fifty cents for each day's hard labor performed by the person so confined. In making the payment the superintendent, master or keeper, as the case may be, in charge of the reformatory or penal institution, shall state the name of the person for whose labor the payment is made, and the probation officer shall pay over such sum promptly to the wife, or to the guardian or custodian of the minor child or children of the person so confined, or to the city, town, corporation or society supporting the wife or minor child or children at the time when the sentence was imposed, or to the treasurer of the commonwealth for the use of the state board of charity when the complaint was for neglect to provide for the support of the minor child or of

minor children who have been committed to the custody of said board.

SECTION 9. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. Interpretation of law.

SECTION 10. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 11. This act may be cited as the Uniform Desertion Act. Uniform Desertion Act.
Approved May 18, 1911.

AN ACT TO AUTHORIZE THE TOWN OF COHASSET TO REFUND CERTAIN NOTES. *Chap.457*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of paying certain outstanding notes amounting to sixty thousand dollars, the town of Cohasset is hereby authorized to borrow the said sum and to issue notes or bonds therefor. Such notes or bonds shall be for one thousand dollars each, in registered or coupon form, payable four a year in the years nineteen hundred and twelve and nineteen hundred and thirteen, both inclusive, eight a year in the years nineteen hundred and fourteen to nineteen hundred and eighteen, both inclusive, and six a year in the years nineteen hundred and nineteen and nineteen hundred and twenty, both inclusive. The notes or bonds shall be signed by the treasurer and countersigned by the selectmen of the town, and shall bear interest at a rate not exceeding four per cent per annum. The money required to pay the interest on said notes or bonds in each year and that part of the principal which becomes due in that year shall be raised by taxation in the same manner in which the other expenses of the town are provided for. The town of Cohasset may refund certain notes.

SECTION 2. This act shall take effect upon its passage.

Approved May 18, 1911.

AN ACT RELATIVE TO THE PURIFICATION AND IMPROVEMENT OF MYSTIC RIVER, ALEWIFE BROOK AND ADJACENT WATER COURSES, PONDS AND DRAINAGE AREAS. *Chap.458*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of carrying out the provisions of chapter five hundred and twenty-nine of the acts Purification and improvement of

Mystic river,
etc.

of the year nineteen hundred and six, as amended by chapter five hundred and twenty-nine of the acts of the year nineteen hundred and seven, relative to the purification of Mystic river, Alewife brook, and adjacent water courses, ponds and drainage areas, and for sanitary and other improvements along Alewife brook, the metropolitan park commission is hereby authorized to expend the further sum of fifteen thousand dollars.

Treasurer
and receiver
general may
issue scrip,
etc.

SECTION 2. To meet the expenses incurred under this act the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding fifteen thousand dollars, in addition to the amounts already authorized under the provisions of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and acts in addition thereto and in amendment thereof, and as a part of the Metropolitan Parks Loan, and subject to the provisions thereof. Such scrip or certificates of indebtedness shall be issued as registered bonds, payable in not more than twenty years from the dates of issue, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of January and July.

Proportions
to be paid by
certain cities
and towns.

SECTION 3. Said sum of fifteen thousand dollars shall be paid by the cities of Cambridge and Somerville and the towns of Arlington and Belmont in the following manner: — forty-seven per cent by the city of Cambridge, twelve per cent by the city of Somerville, twenty-four per cent by the town of Arlington, and seventeen per cent by the town of Belmont. The treasurer and receiver general shall determine the amount thus to be paid by the said cities and towns, and shall collect the same, with interest at the current rates, in the sum charged to each of said cities and towns in the apportionment and assessments of its state tax for the succeeding twenty years until the final sum to be paid by each city and town has been paid. The assessments thus paid shall be credited and added to the Metropolitan Parks Loan Sinking Fund

Time of
assessing
betterments
extended.

SECTION 4. The time within which assessment of betterments may be made upon real estate pursuant to section seven of said chapter five hundred and twenty-nine of the acts of the year nineteen hundred and six on account of all improvements authorized by said chapter, as amended by said chapter five hundred and twenty-nine of the acts of

the year nineteen hundred and seven, or authorized by this act, is hereby extended to June twenty-seventh, nineteen hundred and thirteen.

SECTION 5. This act shall take effect upon its passage.

Approved May 18, 1911.

AN ACT TO AUTHORIZE THE TOWN OF CONCORD TO MAKE AN ADDITIONAL WATER LOAN. Chap. 459

Be it enacted, etc., as follows:

SECTION 1. The town of Concord, for the purposes mentioned in chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-two, and in acts in amendment thereof or in addition thereto, may from time to time borrow money and issue notes, bonds or scrip therefor to an amount not exceeding fifty thousand dollars, in addition to the amount already authorized by law. Such notes, bonds or scrip shall bear on their face the words, Concord Water Loan, Act of 1911, shall be payable at periods not exceeding thirty years from the date or dates of issue, shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the water and sewer commissioners.

Concord
Water Loan,
Act of 1911.

SECTION 2. The town at the time of authorizing said loan or loans hereunder shall provide for the payment thereof in such annual payments, beginning not later than five years after the date of the issue thereof, as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed, a sum which, with the balance of income derived and available from water rates, after paying therefrom all sums and charges hitherto required or authorized by law; and any appropriations and payments made therefrom under the provisions of section ten of chapter one hundred and fifty-one of the acts of the year eighteen hundred and ninety-five, will be sufficient to pay the interest as it accrues on the said notes, bonds or scrip, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed and collected by the town in each year thereafter in a manner similar to that in which other taxes are assessed, until the debt incurred by said loan is extinguished. The town may sell the said securities at public or private sale, upon such

Payment of
loan.

terms and conditions as it may deem expedient, but the securities shall not be sold for less than their par value.

SECTION 3. This act shall take effect upon its passage.

Approved May 18, 1911.

*Chap.*460 AN ACT TO PROTECT THE DIGNITY AND HONOR OF THE UNIFORM OF THE UNITED STATES.

Be it enacted, etc., as follows:

Persons wearing the uniform of the United States army, etc., not to be discriminated against in places of amusement, etc.

No proprietor, manager or employee of a theatre or other public place of entertainment or amusement shall make, or cause to be made, any discrimination against any person lawfully wearing the uniform of the army, navy, revenue-cutter service or marine corps of the United States because of that uniform, and any person making, or causing to be made, such discrimination shall be guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars.

Approved May 18, 1911.

*Chap.*461 AN ACT RELATIVE TO CERTAIN PERSONS COMMITTED TO JAILS AND HOUSES OF CORRECTION.

Be it enacted, etc., as follows:

1911, 176, § 2, amended.

Order of commitment.

SECTION 1. Section two of chapter one hundred and seventy-six of the acts of the year nineteen hundred and eleven is hereby amended by striking out the words "Until such order is issued he shall remain in the custody of the court, as if he had not been sentenced", in the third, fourth and fifth lines, so as to read as follows: — *Section 2.* No order shall be issued for the commitment of a person to a jail or house of correction upon a sentence of more than six months, until at least one day after the imposition of said sentence. At any time before the issuing of such order, he may appeal to the superior court, as provided by section twenty-two of chapter two hundred and nineteen of the Revised Laws. Before such order is issued he shall be notified of his right to take such appeal.

SECTION 2. This act shall take effect upon its passage.

Approved May 18, 1911.

AN ACT RELATIVE TO ACCOMMODATIONS TO BE PROVIDED BY
STREET RAILWAY COMPANIES. *Chap. 462*

Be it enacted, etc., as follows:

The word "accommodations" in section ninety-seven of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six shall be deemed to include waiting rooms, stations, water closets and other sanitary conveniences. *Approved May 18, 1911.*

The word
"accommodations"
defined.

AN ACT RELATIVE TO THE PAYMENT OF CERTAIN ASSESSMENTS
BY CITIES AND TOWNS IN THE METROPOLITAN PARKS DISTRICT. *Chap. 463*

Be it enacted, etc., as follows:

SECTION 1. In order to relieve cities and towns of the metropolitan parks district in providing for the several assessments required, or which may be required, of them for the years nineteen hundred and four to nineteen hundred and eleven, inclusive, as estimated by the treasurer of the commonwealth in accordance with the provisions of chapter four hundred and sixty-five of the acts of the year nineteen hundred and three and acts in amendment thereof or in addition thereto, to meet the interest, sinking fund and serial bond requirements of the loans authorized, any such city by its city council or board having like powers, and any such town by vote thereof at any regular or special town meeting, is hereby authorized to issue from time to time, beyond the limit of indebtedness fixed by law for such city or town, notes, scrip or bonds to be denominated on the face thereof, Charles River Basin Assessment Loan, to an amount not exceeding eighty-five per cent of the amount estimated by the treasurer for said years nineteen hundred and four to nineteen hundred and eleven, inclusive, or for any part of said eighty-five per cent, bearing interest not exceeding four per cent per annum, payable semi-annually, the principal to be paid at periods of not more than ten years from the issuing of such notes, scrip or bonds, respectively. The proceeds shall be used for the payment of the said assessments.

Charles River
Basin
Assessment
Loan.

SECTION 2. The provisions of sections thirteen, fourteen and fifteen of chapter twenty-seven of the Revised Laws, and of any amendments thereof, shall, so far as they may be applicable, apply to the loans aforesaid.

Certain provisions of law
to apply.

SECTION 3. This act shall take effect upon its passage.

Approved May 18, 1911.

Chap.464 AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO EXTEND THE SOUTHERN HIGH SERVICE WATER SYSTEM TO THE TOWN OF HYDE PARK.

Be it enacted, etc., as follows:

Extending
the southern
high service
water system
to the town of
Hyde Park.

SECTION 1. The sum of two hundred and twelve thousand dollars shall be allowed and paid out of the treasury of the commonwealth from the Metropolitan Water Loan Fund for the extension of the southern high service of the metropolitan water works for the supply of water to the town of Hyde Park.

Metropolitan
Water Loan.

SECTION 2. For the purposes aforesaid the metropolitan water and sewerage board may, in addition to providing for the improvements for which expenditures have hitherto been authorized, expend any sum heretofore appropriated for the construction of the metropolitan water works. To meet the further expenditures incurred under the provisions of this act, and not so provided for, the treasurer and receiver general shall, from time to time, issue upon the request of said board, bonds in the name and behalf of the commonwealth, to be designated on the face thereof, Metropolitan Water Loan, to an amount not exceeding two hundred and twelve thousand dollars, in addition to the sum of forty-one million eight hundred and seventy-eight thousand dollars authorized to be issued by chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof and in addition thereto, and the provisions of said chapter four hundred and eighty-eight and of acts in amendment thereof and in addition thereto shall apply to this additional loan.

SECTION 3. This act shall take effect upon its passage.

Approved May 18, 1911.

Chap.465 AN ACT TO AUTHORIZE THE BERKSHIRE STREET RAILWAY COMPANY TO SELL ELECTRICITY TO RAILROAD CORPORATIONS OPERATING TRAINS IN THE HOOSAC TUNNEL.

Be it enacted, etc., as follows:

Operation of
railroad
trains in the
Hoosac tun-
nel by elec-
tricity, etc.

SECTION 1. The Berkshire Street Railway Company is hereby empowered to sell and deliver electricity, for the purpose of operating trains in the Hoosac tunnel and on the approaches thereto, to any railroad corporation operating trains in said tunnel, and, for the purpose of delivering such

electricity, to lay, erect, maintain and use, subject to the provisions of all general laws now or hereafter in force and applicable thereto, wires over or under the lanes and highways of any city or town, and over or under any private land, with the consent of the owners of such land.

SECTION 2. This act shall take effect upon its passage.

Approved May 18, 1911.

AN ACT RELATIVE TO THE APPOINTEES OF THE BOARD OF Chap. 466
EDUCATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and fifty-seven of the acts of the year nineteen hundred and nine, as amended by chapter two hundred and eighty-two of the acts of the year nineteen hundred and ten, is hereby amended by striking out section three and inserting in place thereof the following:

1909, 457,
§ 3, etc.,
amended.

— *Section 3.* The board shall appoint a commissioner of education whose term of office shall be five years, and may fix his salary at such sum as the governor and council shall approve. Said commissioner may at any time be removed from office by a vote of six members of the board. He shall exercise the powers and perform the duties now conferred or imposed by law on the secretary of the board of education. He shall be the executive officer of the board, shall have supervision of all educational work supported in whole or in part by the commonwealth, and shall report thereon to the board. The board shall also appoint two deputy commissioners, at equal salaries, one of whom shall be especially qualified to deal with industrial education. The powers, duties, salaries and terms of office of said deputy commissioners shall be such as may be established from time to time by the board, but the board may, by a vote of six members thereof, remove from office at any time either of said deputy commissioners. The board may be allowed for rent, salaries of the commissioner, the deputies, agents, assistance and clerical service, and for travelling and other necessary expenses of the commissioner, the deputies, agents, and of the board, incurred in the performance of their official duties, such sum as shall be appropriated by the general court annually, payable out of the treasury of the commonwealth.

Commissioner
of education,
appointment,
etc.

Deputy com-
missioner.

Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1911.

Chap.467 AN ACT TO ESTABLISH THE SALARY OF THE PRESENT DEPUTY WARDEN OF THE STATE PRISON.

Be it enacted, etc., as follows:

Salary of the deputy warden of the state prison established.

The present deputy warden of the state prison shall hereafter receive a salary of twenty-five hundred dollars a year, to be so allowed from the first day of January in the current year.

(The foregoing was laid before the Governor on the twelfth day of May, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap.468 AN ACT TO EXTEND THE PROVISIONS OF THE CIVIL SERVICE ACT TO CHIEFS OF POLICE OF CERTAIN CITIES AND TOWNS.

Be it enacted, etc., as follows:

Provisions of the civil service law to apply to chiefs of police of certain cities and towns.

SECTION 1. The provisions of chapter nineteen of the Revised Laws, entitled "Of the Civil Service", and all acts in amendment thereof and in addition thereto, and the civil service rules made thereunder, and all acts now or hereafter in force relating to the appointment and removal of police officers, shall apply to the superintendent, chief of police or city marshal in all cities except Boston, and in all towns that have accepted, or may hereafter accept, the provisions of said chapter nineteen.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. In cities to which it is applicable this act shall be submitted to the voters at the next annual state election; in towns to which it is applicable it shall be submitted to the voters at an annual town meeting; and in either case it shall take effect in any such city or town upon its acceptance by a majority of the voters voting thereon; otherwise it shall not take effect in any such city or town.

Approved May 20, 1911.

Chap.469 AN ACT TO ANNEX THE TOWN OF HYDE PARK TO THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Annexing the town of Hyde Park to the city of Boston.

SECTION 1. The territory now comprised within the limits of the town of Hyde Park, with the inhabitants and estates therein, is hereby annexed to and made part of the

city of Boston, and shall hereafter constitute a part of the county of Suffolk, subject to the same municipal regulations, obligations and liabilities, and entitled to the same immunities in all respects as the city of Boston: *provided, however,* Proviso. that until constitutionally and legally changed, said territory shall continue to be, for the purpose of electing a member of the house of representatives, part of the county of Norfolk, constituting the third representative district thereof; for the purpose of electing a senator, part of the first Norfolk senatorial district; for the purpose of electing a councillor, part of the second councillor district; and for the purpose of electing a representative in congress, part of the congressional district, number twelve, as the same are now constituted.

SECTION 2. All the duties now required by law to be performed by the selectmen and town clerk of the town of Hyde Park, or either of them, pertaining to the election of representatives in congress, state councillors, and senators and members of the house of representatives, shall in like manner devolve upon and be performed by the board of election commissioners of the city of Boston. It shall be the duty of the ward officers of the ward established in said territory, as hereinafter provided, to make return of all votes that may be cast therein from time to time for representatives in congress, state councillors, senators, members of the house of representatives, and for all other national, state, district, county, municipal and ward officers, to the board of election commissioners of the city of Boston. Duties of the board of election commissioners.

SECTION 3. All the public property of the town of Hyde Park shall be vested in, and is hereby declared to be the property of the city of Boston, and the city of Boston shall succeed to all the rights, claims, causes of action, rights to uncollected taxes, liens, uses, trusts, duties, privileges and immunities of the town of Hyde Park. The town treasurer of the town of Hyde Park shall, on or before the second Monday of January, in the year nineteen hundred and twelve, under the direction of the selectmen of said town, who shall for this purpose and for all other purposes necessary to carry into effect the provisions of this act, continue to hold their offices, transfer, deliver, pay over and account for, to the city treasurer of the city of Boston all books, papers, moneys and other property in his possession as town treasurer when this act takes effect; and the city of Boston shall become liable for and subject to all the debts, obligations, duties, responsibilities and liabilities of the said town. All actions Public property of the town to be vested in the city of Boston.

and causes of action which may be pending or which shall have accrued at the time when this act takes effect in behalf of or against the town of Hyde Park shall survive and may be prosecuted to final judgment and execution in behalf of or against the city of Boston.

Jurisdiction
of courts, etc.

Provisos.

SECTION 4. The several courts within the county of Suffolk, after this act takes effect, shall have the same jurisdiction over all causes of action and proceedings in civil causes, and over all matters in probate and insolvency which shall have accrued within said territory hereby annexed, that said courts now have over like actions, proceedings and matters within the county of Suffolk: *provided, however*, that the several courts within the county of Norfolk shall have and retain jurisdiction of all actions, proceedings and matters that shall have rightfully been begun in said courts before this act takes effect; and the supreme judicial court and the superior court within the county of Suffolk, after this act takes effect, shall have the same jurisdiction of all crimes, offences and misdemeanors that shall have been committed within the said territory, which the supreme judicial court and superior court within the county of Norfolk now have jurisdiction of; *provided*, that proceedings shall not have begun in any of the courts within the county of Norfolk for the prosecution of said crimes, offences and misdemeanors, in which case the said courts within the county of Norfolk shall have and retain jurisdiction of the same for the complete and final disposition thereof. All suits, proceedings, complaints and prosecutions, and all matters of probate and insolvency, which shall be pending within said territory before any court or justice of the peace when this act takes effect shall be heard and determined as if this act had not been enacted.

To be included
in the judi-
cial district
of the munic-
ipal court of
Boston.

SECTION 5. Said territory shall be added to and constitute a part of the judicial district of the municipal court of the city of Boston. Said court shall have the same civil, and the West Roxbury district court the same civil and criminal, jurisdiction in said territory which those courts now have in their present districts.

To constitute
ward twenty-
six of the city
of Boston.

SECTION 6. If this act shall be accepted, as hereinafter provided, said territory shall, after the Tuesday next following the first Monday of November in the year nineteen hundred and eleven, constitute a ward of the city of Boston to be called ward twenty-six, for all the purposes mentioned in this section and in the following section of this act; and

the ward so established shall be entitled to all the municipal and ward officers to which each of the other wards of the city of Boston is entitled. The city council of the city of Boston shall in due season call a meeting of the legal voters of said ward to be held in the year nineteen hundred and twelve, at some place or places within said ward which shall be designated by the board of election commissioners of Boston, to give in their ballots for all municipal officers to be voted for, and upon all questions submitted to the people for the year nineteen hundred and twelve, for and upon which they shall be entitled to vote by virtue of the provisions of this act. The board of election commissioners of the city of Boston shall prepare lists of the legal voters in said ward, to be used at said meeting, and shall do all other things which they are now by law required to do in respect to like elections in other wards in the city of Boston.

SECTION 7. The provisions of law relative to listing and registration of voters, to caucuses, primaries and elections, and all laws relating thereto now in force in the city of Boston, shall apply to and be in force in the territory of the town of Hyde Park, and to the inhabitants thereof, annexed to the city of Boston; except that for the municipal election in the year nineteen hundred and twelve it shall be the duty of the present town officers of the town of Hyde Park to transfer to the board of election commissioners of Boston, immediately after the acceptance of this act, their records relative to assessments and registration of voters and the voting lists used at the state election; and the election commissioners shall, for the purpose of conducting the regular municipal election in said territory in January, nineteen hundred and twelve, use at the polls the voting lists used in said town at the state election, and shall prepare a supplementary voting list of such names as may be added in accordance with law. Such supplementary registration and voting lists shall, for the said election in the said territory, be prepared from the assessors' lists of said town for the year nineteen hundred and eleven, and the voting lists for the said election in the said territory shall be prepared in accordance with the laws now provided for the preparation of voting lists in towns. These lists so prepared shall be used at any special election held in the said territory prior to the fifteenth day of July, nineteen hundred and twelve.

Certain provisions of law to apply.

SECTION 8. The powers and duties relating to caucuses, primaries and elections, vested in and imposed by law upon

Caucuses, primaries and elections.

the town officers of Hyde Park, except the power and duty of giving notice of elections and fixing the days and hours of holding the same, shall in the city of Boston be vested in and performed by the board of election commissioners of said city, who shall be subject to all the penalties prescribed for failure to perform such duties. The power and duty of calling elections, giving notice of the same, and fixing the days and hours of holding the same, shall be vested in and performed by those public officers who now have said power and duty for the city of Boston.

A new registration of voters to be made.

SECTION 9. The board of election commissioners shall, between the first day of July and the first day of October in the year nineteen hundred and twelve, make a new general registration of the qualified male voters of the territory of the town of Hyde Park, which shall be prepared in the manner now fixed by law for preparing general registers in Boston. Changes may be made therein on account of illegal registration, and in the year in which it is made the law relating to general registration of voters shall be applicable thereto, and the annual registers and voting lists of said territory shall be prepared therefrom in the manner provided by law for preparing annual registers and voting lists in cities. The places and hours for such registration shall be determined by the board of election commissioners of Boston, and for this purpose said board may appoint, in a manner which will provide equal representation for the two leading political parties, such additional assistant registrars as in its judgment may be necessary.

Voting rights, etc.

SECTION 10. The citizens of the territory by this act annexed to the city of Boston shall have the same right to vote for municipal officers at the annual municipal election of the city of Boston in the year nineteen hundred and twelve as they would have had if said territory had formed part of the city of Boston for more than six months next before said election.

Certain officials to continue in office.

SECTION 11. The several police officers, watchmen and firemen in office in the town of Hyde Park when this act takes effect shall thereafter continue in the discharge of their respective duties, until successors are appointed in their stead. The members of the regular and permanent police and fire departments of the town of Hyde Park when this act takes effect shall become in their respective grades members of the police and fire departments of the city of Boston,

and shall be within the classified civil service of the commonwealth.

SECTION 12. All the interest which the town of Hyde Park now has in the public property of the county of Norfolk is hereby released and acquitted to the county of Norfolk. Such proportion of the debts and obligations of the county of Norfolk existing when this act takes full effect, over and above the value of all the property belonging to said county, as should proportionally and equitably be paid by the inhabitants and property owners of the territory hereby annexed to the city of Boston, shall be paid by the city of Boston to the county of Norfolk; and the supreme judicial court shall have jurisdiction in equity to determine the amount of such proportion, if any, and to enforce the payment of the same in a suit in equity in the name of said county to be brought therefor within six months after this act takes effect, by the county commissioners of said county, if they shall deem such suit for the interest of the county; but no such suit shall be instituted after the lapse of the said six months. Nothing contained in this act shall impair the obligation of any contract; and the property and inhabitants of the territory hereby annexed to the city of Boston shall continue liable to the existing creditors of the county of Norfolk in like manner as if this act had not been passed: *provided*, that if any person by reason of his being an inhabitant of or owning property in said territory shall be compelled to pay any part of an existing debt or obligation of the county of Norfolk, the amount of such payment shall constitute a debt to him from said county, as constituted after the passage of this act, and may be recovered in like manner as other debts against the county of Norfolk.

Public property released to the county of Norfolk.

Contracts not impaired.

Proviso.

SECTION 13. This act shall not take full effect unless accepted by a majority of the registered voters of the city of Boston present and voting thereon by ballot at a meeting which shall be held in the several wards, and in the precincts thereof, of said city, and also by a majority of the registered voters of the town of Hyde Park present and voting thereon by ballot at a meeting which shall be held in said town. All said meetings shall be held simultaneously on the Tuesday next following the first Monday of November, nineteen hundred and eleven, and due notice thereof shall be given.

Time of taking effect.

Said ballots shall be "Yes" or "No" in answer to the question "Shall an act passed by the legislature of the com-

Form of ballot.

monwealth in the year nineteen hundred and eleven, entitled 'An Act to annex the Town of Hyde Park to the City of Boston' be accepted?" The ballots prepared for the election of state officers at the annual election for the year nineteen hundred and eleven to be used in the city of Boston and in the town of Hyde Park shall be prepared so as to conform with the provisions of this section.

Meeting to be notified and warned by the selectmen of the town, etc.

SECTION 14. The said meeting in the town of Hyde Park shall be notified and warned by the selectmen of said town in the same manner in which meetings for elections in said town are notified and warned; and the said meetings in the city of Boston shall be called and due notice given in the same manner in which meetings for elections in said city are called. All provisions of law relative to counting and recording of votes, to records and certificates of elections shall apply to the election held under this act.

Election commissioners of Boston to certify ballots cast, etc.

SECTION 15. It shall be the duty of the board of election commissioners of the city of Boston to certify, as soon as may be, the ballots cast in the city of Boston, and the number of ballots cast in favor of the acceptance of this act, and the number of ballots cast against the acceptance in said city, to the secretary of the commonwealth. The selectmen and town clerk of the town of Hyde Park shall, as soon as may be, make a like return of the ballots cast in said town and the number of ballots cast in favor of acceptance of this act and the number of ballots cast against said acceptance in said town, to the secretary of the commonwealth. And if it shall appear that a majority of the votes cast thereon in the city of Boston and a majority of the votes cast thereon in the town of Hyde Park are in favor of the acceptance of this act, the secretary shall immediately issue and publish his certificate declaring this act to have been duly accepted.

Time of taking effect.

SECTION 16. So much of this act as authorizes and directs its submission to the legal voters of said city and town, shall take effect upon its passage.

Same subject.

SECTION 17. If this act shall be accepted as herein provided, it shall take effect after the Tuesday next following the first Monday in November in the year nineteen hundred and twelve, so far as to authorize, legalize and carry into effect the provisions of the sixth, seventh, eighth, ninth and tenth sections of this act; but for all other purposes, except as mentioned in section sixteen of this act, it shall take effect on the first Monday of January in the year nineteen hundred and twelve.

SECTION 18. If any election or balloting upon the question of the acceptance of this act, either by said city or by said town shall, within two months thereafter, be declared void by the supreme judicial court upon summary proceedings which may be had in any county on the petition of fifty voters of either said city or said town, the question of accepting said act shall again be submitted to the legal voters of said city and town, and a meeting thereof shall within thirty days thereafter be called, held and conducted, and the votes returned and other proceedings had thereon, in the manner hereinbefore provided. But no election or balloting shall be held void for informality in calling, holding or conducting the election, or returning the votes or otherwise, except upon proceedings instituted therefor and determined within sixty days thereafter as aforesaid.

Act may be submitted a second time for acceptance, etc.

Approved May 24, 1911.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A FEMALE ASSISTANT PROBATION OFFICER FOR THE POLICE COURT OF SPRINGFIELD.

Chap. 470

Be it enacted, etc., as follows:

SECTION 1. Section eighty-one of chapter two hundred and seventeen of the Revised Laws, as amended by chapter two hundred and ninety-five of the acts of the year nineteen hundred and five, and by chapter three hundred and twenty-nine of the acts of the year nineteen hundred and six, and by chapter two hundred and sixty-one of the acts of the year nineteen hundred and seven, and by chapter three hundred and thirty-two of the acts of the year nineteen hundred and ten, and by chapter one hundred and sixteen of the acts of the year nineteen hundred and eleven, is hereby further amended by inserting after the word "Middlesex", in the tenth line, the words: — and the justice of the police court of Springfield, — so as to read as follows: — *Section 81.* The superior court may appoint probation officers and the justice of each police, district or municipal court and the chief justice of the municipal court of the city of Boston shall appoint one probation officer. Said chief justice may also appoint not more than eight male and three female assistant probation officers. The justice of the municipal court of the South Boston district and the justice of the municipal court of the Roxbury district and the justice of the third district court of eastern Middlesex and the justice of the police

R. L. 217, § 81, etc., amended.

Probation officers, appointment, etc.

Time of
making ap-
pointment.

court of Springfield, may also each appoint one female assistant probation officer, and said justice of the municipal court of the Roxbury district may also appoint one male assistant probation officer. Each probation officer and assistant probation officer so appointed shall hold his office during the pleasure of the court which makes the appointment.

SECTION 2. The justice of the police court of Springfield shall make the appointment herein authorized within sixty days after the passage of this act.

SECTION 3. This act shall take effect upon its passage.
Approved May 26, 1911.

*Chap.*471 AN ACT TO CODIFY AND AMEND THE LAWS RELATING TO STATE-AIDED VOCATIONAL EDUCATION.

Be it enacted, etc., as follows:

CONSTRUCTION.

Certain
words and
phrases de-
fined.

SECTION 1. The following words and phrases as used in this act shall, unless a different meaning is plainly required by the context, have the following meanings: —

1. “Vocational education” shall mean any education the controlling purpose of which is to fit for profitable employment.

2. “Industrial education” shall mean that form of vocational education which fits for the trades, crafts and manufacturing pursuits, including the occupations of girls and women carried on in workshops.

3. “Agricultural education” shall mean that form of vocational education which fits for the occupations connected with the tillage of the soil, the care of domestic animals, forestry and other wage-earning or productive work on the farm.

4. “Household arts education” shall mean that form of vocational education which fits for occupations connected with the household.

5. “Independent industrial, agricultural or household arts school” shall mean an organization of courses, pupils and teachers, under a distinctive management, approved by the board of education, designed to give either industrial, agricultural or household arts education as herein defined.

6. “Evening class” in an industrial, agricultural or household arts school shall mean a class giving such training

as can be taken by persons already employed during the working day, and which, in order to be called vocational, must in its instruction deal with the subject-matter of the day employment, and be so carried on as to relate to the day employment.

Certain words and phrases defined.

7. "Part-time, or continuation, class" in an industrial, agricultural or household arts school shall mean a vocational class for persons giving a part of their working time to profitable employment, and receiving in the part-time school, instruction complementary to the practical work carried on in such employment. To give "a part of their working time" such persons must give a part of each day, week or longer period to such part-time class during the period in which it is in session.

8. "Independent agricultural school" shall mean either an organization of courses, pupils and teachers, under a distinctive management designed to give agricultural education, as hereinafter provided for, or a separate agricultural department, offering in a high school, as elective work, training in the principles and practice of agriculture to an extent and of a character approved by the board of education as vocational.

9. "Independent household arts school" shall mean a vocational school designed to develop on a vocational basis the capacity for household work, such as cooking, household service and other occupations in the household.

STATE ADMINISTRATION AND SUPERVISION.

SECTION 2. The board of education is hereby authorized and directed to investigate and to aid in the introduction of industrial, agricultural and household arts education; to initiate and superintend the establishment and maintenance of schools for the aforesaid forms of education; and to supervise and approve such schools, as hereinafter provided. The board of education shall make a report annually to the general court, describing the condition and progress of industrial, agricultural and household arts education during the year, and making such recommendations as the board may deem advisable.

Vocational education.

TYPES OF SCHOOLS.

SECTION 3. In order that instruction in the principles and the practice of the arts may go on together, independent industrial, agricultural and household arts schools may offer

Types of schools.

instruction in day, part-time and evening classes. Attendance upon such day or part-time classes shall be restricted to those over fourteen and under twenty-five years of age; and upon such evening classes, to those over seventeen years of age.

LOCAL ADMINISTRATION AND CONTROL.

Establishment of industrial schools, etc.

SECTION 4. Any city or town may, through its school committee or through a board of trustees elected by the city or town to serve for a period of not more than five years, and to be known as the local board of trustees for vocational education, establish and maintain independent industrial, agricultural and household arts schools.

Districts to be established, etc.

SECTION 5. 1. Districts composed of cities or towns, or of cities and towns, may, through a board of trustees to be known as the district board of trustees for vocational education, establish and maintain independent industrial, agricultural or household arts schools. Such district board of trustees may consist of the chairman and two other members of the school committee of each of such cities and towns, to be appointed for the purpose by each of the respective school committees thereof; or any such city or town may elect three residents thereof to serve as its representatives on such district board of trustees. 2. Such a district board of trustees for vocational education may adopt for a period of one year or more a plan of organization, administration and support for the said schools, and the plan, if approved by the board of education, shall constitute a binding contract between the cities or towns which are, through the action of their respective representatives on the district board of trustees, made parties thereto, and shall not be altered or annulled except by vote of two thirds of the board, and the consent of the board of education to such alteration or annulment.

Advisory committees, etc.

SECTION 6. Local and district boards of trustees for vocational education, administering approved industrial, agricultural or household arts schools, shall, under a scheme to be approved by the board of education, appoint an advisory committee composed of members representing local trades, industries and occupations. It shall be the duty of the advisory committee to counsel with and advise the local or district board of trustees and other school officials having the management and supervision of such schools.

NON-RESIDENT PUPILS.

SECTION 7. 1. Any resident of any city or town in Massachusetts which does not maintain an approved independent industrial, agricultural or household arts school, offering the type of training which he desires, may make application for admission to such a school maintained by another city or town. The board of education, whose decision shall be final, may approve or disapprove such application. In making such a decision the board of education shall take into consideration the opportunities for free vocational training in the community in which the applicant resides; the financial status of the community; the age, sex, preparation, aptitude and previous record of the applicant; and all other relevant circumstances.

Non-resident pupils, etc.

2. The city or town in which the person resides, who has been admitted as above provided, to an approved independent industrial, agricultural or household arts school maintained by another city or town, shall pay such tuition fee as may be fixed by the board of education; and the commonwealth shall reimburse such city or town, as provided for in this act. If any city or town neglects or refuses to pay for such tuition, it shall be liable therefor in an action of contract to the city or town, or cities and towns, maintaining the school which the pupil, with the approval of the said board, attended.

Tuition fees, etc.

REIMBURSEMENT.

SECTION 8. Independent industrial, agricultural and household arts schools shall, so long as they are approved by the board of education as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, conditions of admission, employment of pupils and expenditures of money, constitute approved local or district independent vocational schools. Cities and towns maintaining such approved local or district independent vocational schools shall receive reimbursement as provided in sections nine and ten of this act.

Reimbursement.

SECTION 9. 1. The commonwealth, in order to aid in the maintenance of approved local or district independent industrial and household arts schools and of independent agricultural schools consisting of other than agricultural departments in high schools, shall, as provided in this act, pay

Payments to be made annually from the state treasury, etc.

annually from the treasury to cities and towns maintaining such schools an amount equal to one half the sum to be known as the net maintenance sum. Such net maintenance sum shall consist of the total sum raised by local taxation and expended for the maintenance of such a school, less the amount, for the same period, of tuition claims, paid or unpaid, and receipts from the work of pupils or the sale of products.

Cities and towns to be reimbursed.

2. Cities and towns maintaining approved local or district independent agricultural schools consisting only of agricultural departments in high schools shall be reimbursed by the commonwealth, as provided in this act, only to the extent of two thirds of the salary paid to the instructors in such agricultural departments: *provided*, that the total amount of money expended by the commonwealth in the reimbursement of such cities and towns for the salaries of such instructors for any given year shall not exceed ten thousand dollars.

Proviso.

One half the sum expended by cities and towns to be reimbursed.

3. Cities and towns that have paid claims for tuition in approved local or district independent vocational schools shall be reimbursed by the commonwealth, as provided in this act, to the extent of one half the sums expended by such cities and towns in payment of such claims.

Statement to be made to the general court.

SECTION 10. On or before the first Wednesday of January of each year the board of education shall present to the general court a statement of the amount expended previous to the preceding first day of December by cities and towns in the maintenance of approved local or district independent vocational schools, or in payment of claims for tuition in such schools, for which such cities and towns should receive reimbursement, as provided in this act. On the basis of such a statement the general court may make an appropriation for the reimbursement of such cities and towns up to such first day of December.

ACTS AND PARTS OF ACTS REPEALED.

Repeal.

SECTION 11. 1. Sections one to six, inclusive, of chapter five hundred and five of the acts of the year nineteen hundred and six, sections one to four, inclusive, of chapter five hundred and seventy-two of the acts of the year nineteen hundred and eight, chapter five hundred and forty of the acts of the year nineteen hundred and nine, and all acts and parts of acts inconsistent herewith are hereby repealed.

2. Schools heretofore established under the acts and parts of acts repealed by this section, and approved by the board of education, shall continue in operation subject to the provisions of this act for such schools.

Certain schools to continue in operation.

Approved May 26, 1911.

AN ACT RELATIVE TO THE TAXATION OF LAND HELD BY THE TOWN OF WESTFIELD IN THE TOWN OF MONTGOMERY FOR A WATER SUPPLY. *Chap. 472*

Be it enacted, etc., as follows:

Property hereafter acquired and held by the town of Westfield in the town of Montgomery for the purpose of a water supply, if yielding no rent, shall not be liable to taxation therein, but the town of Westfield shall, annually, in September pay to the town of Montgomery an amount equal to that which the town of Montgomery would receive for taxes upon the average of the assessed valuation of such land for the three years last preceding the acquisition thereof, the valuation for each year being reduced by all abatements thereon; and any part of the said property from which any revenue in the nature of rent is received shall be subject to taxation.

Taxation of certain land held by the town of Westfield, etc.

Approved May 26, 1911.

AN ACT TO PROVIDE A THIRD SPECIAL JUSTICE FOR THE DISTRICT COURT OF SOUTHERN ESSEX. *Chap. 473*

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter one hundred and sixty of the Revised Laws, as amended by section one of chapter two hundred and nineteen of the acts of the year nineteen hundred and nine, is hereby further amended by inserting after the word "Worcester", in the fourth line, the words: — and the district court of southern Essex, — so as to read as follows: — *Section 1.* Police, district and municipal courts shall be courts of record, and, except the municipal court of the city of Boston and the central district court of Worcester, and the district court of southern Essex, shall consist of one justice and two special justices. Each of said courts shall have a seal, which shall be in the custody of its clerk, or of the justice if it has no clerk, and which shall be affixed to all processes issued by said courts which require a seal.

R. L. 160, § 6, etc., amended.

Courts of record, etc.

1909, 219 § 2,
amended.

One justice
and three
special
justices.

SECTION 2. Section two of said chapter two hundred and nineteen is hereby amended by inserting after the word “Worcester”, in the first line, the words: — and the district court of southern Essex, — so as to read as follows: — *Section 2.* The central district court of Worcester and the district court of southern Essex shall consist of one justice and three special justices.

SECTION 3. This act shall take effect upon its passage.
Approved May 26, 1911.

Chap.474

AN ACT RELATIVE TO THE SUPPRESSION OF THE GYPSY AND BROWN TAIL MOTHS.

Be it enacted, etc., as follows:

1905, 381,
§ 5, etc.,
amended.

Expendi-
tures.

Proviso.

Section five of chapter three hundred and eighty-one of the acts of the year nineteen hundred and five, as amended by section three of chapter two hundred and sixty-eight of the acts of the year nineteen hundred and six, and by section two of chapter five hundred and twenty-one of the acts of the year nineteen hundred and seven, is hereby further amended by adding at the end thereof the following: — The superintendent may also take complete control of the work of suppressing the gypsy and brown tail moths in such cities and towns as may through the proper officials request it. The cost of such work shall be certified by the superintendent to the treasurer of the commonwealth and shall be collected by him as an additional state tax upon the city or town wherein such work is performed; *provided*, that no city or town shall be required to pay more for such work than would have been its liability, as defined by section four of this act, — so as to read as follows: — *Section 5.* When, in the opinion of the superintendent, any city or town is not expending a sufficient amount for the abatement of said nuisance, or is not conducting the necessary work in a proper manner, then the superintendent shall, with the advice and consent of the governor, order such city or town to expend such an amount as the superintendent shall deem necessary, and in accordance with such methods as the superintendent, with the consent of the governor, shall prescribe: *provided*, that no city or town where the assessed valuation of real and personal property exceeds six million dollars shall be required to expend, exclusive of any reimbursement received from the commonwealth, during any one full year more than one fifteenth of one per cent of such valuation, and that no town where the assessed valuation of real and

personal property is less than six million dollars shall be required to expend, exclusive of any reimbursement received from the commonwealth, during any one full year more than one twenty-fifth of one per cent of such valuation. For the purposes of this section the valuation of each previous year shall be used.

Any city or town failing to comply with the directions of the said superintendent in the performance of said work within the date specified by him shall pay a fine of one hundred dollars a day for failure so to do; said fine to be collected by information brought by the attorney-general in the supreme judicial court for Suffolk county. Penalty.

In case of emergency, or where there is great or immediate danger of the increase or spread of the moths due to the neglect of any city or town to comply with the terms of this act, the superintendent, with the consent of the governor, may initiate or continue the work of suppressing the moths within the limits of such city or town for such a period as the superintendent may deem necessary. The cost of such work, including that done on private estates, less any sum due from the state by way of reimbursements on account of said work, shall be certified by the superintendent to the treasurer of the commonwealth, and be collected by him as an additional state tax upon the city or town so failing to comply with the requirements of the law. The superintendent may also in case of emergency, subject to the approval of the governor, carry on wholly or in part such operations as may be necessary to check the spreading of the gypsy or brown tail moth in parks not under the control of the commonwealth, and in cemeteries, woodlands and other places of public resort. The amount to be so expended in any one year shall not exceed ten per cent of the appropriations made for the year by the state for the purpose of suppressing said moths. The superintendent may also take complete control of the work of suppressing the gypsy and brown tail moths in such cities and towns as may through the proper officials request it. The cost of such work shall be certified by the superintendent to the treasurer of the commonwealth and shall be collected by him as an additional state tax upon the city or town wherein such work is performed; *provided*, that no city or town shall be required to pay more for such work than would have been its liability, as defined by section four of this act. Superintendent may initiate work, etc.

Expenditures.

Proviso.

Approved May 26, 1911.

Chap.475 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY AN ANNUITY TO THE WIDOW AND CHILDREN OF MICHAEL J. COYNE.

Be it enacted, etc., as follows:

The city of Boston may pay an annuity to the widow and children of Michael J. Coyne.

The city of Boston may pay an annuity not exceeding three hundred dollars for a period not exceeding ten years to the widow and children of Michael J. Coyne, who died on the third day of July, in the year nineteen hundred and nine, from injuries received in the performance of his duty as an employee of the sewer department of said city; but the annuity shall cease in case the widow shall remarry within the said period. In case the widow shall die within the said period, the annuity may be paid to a guardian for the benefit of the children of the said Coyne living at the death of the widow, and then under eighteen years of age: *provided, however,* that payments under this act shall in no event exceed a period of ten years from the passage of this act.

Proviso.

Approved May 26, 1911.

Chap.476 AN ACT TO AUTHORIZE THE CITY OF PITTSFIELD TO INCUR ADDITIONAL INDEBTEDNESS FOR THE IMPROVEMENT OF ITS WATER WORKS.

Be it enacted, etc., as follows:

Pittsfield Water Loan, Act of 1911.

SECTION 1. The city of Pittsfield, for the purposes mentioned in chapter one hundred and eighty-five of the acts of the year eighteen hundred and ninety-two and acts in amendment thereof or in addition thereto, and in chapter five hundred and fourteen of the acts of the year nineteen hundred and seven, may issue from time to time bonds, notes or scrip to an amount not exceeding seven hundred thousand dollars, in addition to the amounts heretofore authorized by law to be issued by said city for water works purposes. Such bonds, notes or scrip shall bear on their face the words Pittsfield Water Loan, Act of 1911; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum; and shall be signed by the treasurer and countersigned by the mayor of the city. The city may sell the said securities at public or private sale, upon such terms and conditions as it may deem proper; but they shall not be sold for less than their par value. The

city may authorize temporary loans, at a rate of interest not exceeding five per cent per annum, to be made by its mayor and treasurer in anticipation of the bonds hereby authorized.

SECTION 2. The city shall, at the time of authorizing the said loan, provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of any of the said bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the said bonds, notes or scrip, and to make such payments on the principal as may be required under the provisions of this act, shall, without further vote, be assessed by the assessors of the city in each year thereafter, in a manner similar to that in which other taxes are assessed, until the debt incurred by said loan is extinguished.

Payment of
loan.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1911.

AN ACT RELATIVE TO INFLAMMABLE FLUIDS IN MOTOR
VEHICLES.

Chap. 477

Be it enacted, etc., as follows:

SECTION 1. Gasoline, or any other volatile inflammable fluid which emits a vapor at a temperature below one hundred degrees Fahrenheit when tested in the open air, shall, when in an automobile or other motor vehicle which is in a building or other structure, be deemed to be kept in such building or other structure within the meaning of chapter three hundred and seventy of the acts of the year nineteen hundred and four and acts in amendment thereof: *provided, however,* that the provisions of this act shall not apply to any existing building in which not more than two automobiles or motor vehicles are or may hereafter be so kept, if such building or any part thereof is not used either for human habitation or for holding gatherings of, or giving entertainments, instruction or employment to, more than twenty persons.

Inflammable
fluids in motor
vehicles.

Proviso.

SECTION 2. This act shall take effect on the first day of July in the year nineteen hundred and eleven.

Time of
taking effect.

Approved May 26, 1911.

Chap. 478 AN ACT RELATIVE TO REIMBURSING CITIES AND TOWNS FOR
LOSS OF TAXES ON LAND USED FOR PUBLIC INSTITUTIONS.

Be it enacted, etc., as follows:

1910, 607,
§ 2, amended.

Tax commis-
sioner to de-
termine value
of land, etc.

SECTION 1. Section two of chapter six hundred and seven of the acts of the year nineteen hundred and ten is hereby amended by inserting after the first sentence the words: — or for the purpose of a state military camp ground, — and by inserting after the word “commissioners”, in the twelfth line, the words: — and the quartermaster general, — so as to read as follows: — *Section 2.* In the year nineteen hundred and ten and in every fifth year thereafter the tax commissioner shall between the first day of April and the first day of June determine as of April first of such year the fair cash value of all land in every city or town owned by the commonwealth and used for the purposes of a public institution or for the purpose of a state military camp ground. This determination shall be in such detail as to lots, subdivisions or acreage as the commissioner may from time to time deem necessary. For the purposes of this determination he may require information from boards of assessors, from the state board of charity, state board of insanity and the board of prison commissioners, and the quartermaster general, and from any other officers or agents of the commonwealth or any city or town thereof, and from any other person. It shall be the duty of such boards, commissions, officers, agents and persons, so far as they are able, to furnish the tax commissioner with such information and in such form as he may require within fifteen days after being requested by him so to do, and the tax commissioner may require any one to give information orally or in written form under oath. At his discretion the tax commissioner may from time to time employ appraisers to assist him in the determination of values as herein provided, and their compensation and reasonable travelling expenses shall be paid out of the treasury of the commonwealth.

1910, 607,
§ 3, amended.

Assessors of
cities and
towns to be
notified, etc.

SECTION 2. Section three of said chapter six hundred and seven is hereby amended by striking out the words “of a public institution”, in the sixth line, and inserting in place thereof the words: — above named, — so as to read as follows: — *Section 3.* When the tax commissioner has made his determination of values as above provided, he shall, not later than the tenth day of June of every year in which he

makes such determination, notify the assessors of each city or town in which the commonwealth owns land for the purposes above named, of his determination of the value of such land in such city or town. Any board of assessors aggrieved as to the determination of the tax commissioner in respect of the value of such land in its city or town may, within ten days after the date of the notice provided for in this section apply for a correction of the said value to the board of appeal constituted by section sixty-eight of chapter four hundred and ninety, Part III, of the acts of the year nineteen hundred and nine. Thereupon the said board shall give a hearing to such board of assessors not later than the fifteenth day of July, and shall seasonably notify such board and the tax commissioner of the date, hour and place of the hearing. After the hearing said board of appeal shall notify said board of assessors and the tax commissioner of its finding as to the value of the land in question, and its decision as to valuation shall be conclusive.

SECTION 3. Section four of said chapter six hundred and seven is hereby amended by striking out the words “of public institutions”, in the third line, and by striking out the words “of a public institution”, in the eighth line, and inserting in place thereof, in each instance, the words: — above named, — so as to read as follows: — *Section 4.* The valuation determined as aforesaid shall be the value of the land owned by the commonwealth for the purposes above named in cities and towns for the year in which such valuation is made and for the four succeeding years, and until another valuation is made under the provisions of this act; except that if any land is purchased by the commonwealth in any city or town for the purposes above named after the valuation provided for by this act has been made by the tax commissioner, and before another valuation has been made by him as provided for in this act, the tax commissioner shall adopt the assessed valuation of the said land as made by the assessors of the city or town in the year last preceding its purchase by the commonwealth, and such assessed valuation shall be the valuation of the land for the purposes of this act until another valuation is made by the tax commissioner as provided for herein.

1910, 607,
§ 4, amended.

Valuation,
etc.

SECTION 4. Section six of said chapter six hundred and seven is hereby amended by striking out the words “of a public institution”, in the fourth line, and inserting in place thereof the words: — above named, — so as to read as fol-

1910, 607,
§ 6, amended.

Cities and towns to be reimbursed, etc.

lows: — *Section 6.* The treasurer and receiver general in every year, not later than the fifteenth day of November, shall reimburse each city and town in which the commonwealth owns land for the purposes above named an amount in lieu of taxes upon the value of such land as reported to him by the tax commissioner under the provisions of the preceding section, determined by multiplying each thousand dollars of valuation or fractional part thereof by the rate provided for under section forty-three of Part III of chapter four hundred and ninety of the acts of the year nineteen hundred and nine.

To apply to the town of Framingham.

SECTION 5. The provisions of chapter six hundred and seven of the acts of the year nineteen hundred and ten, providing for reimbursing cities and towns for loss of taxes on land used for public institutions, shall also apply to the town of Framingham for loss of taxes on land used for a state military camp ground. The said town shall be reimbursed for its loss of taxes upon the said ground in the current year and in all succeeding years so long as the said camp ground is used for purposes of the state militia.

SECTION 6. This act shall take effect upon its passage.

Approved May 26, 1911.

Chap.479 AN ACT TO AUTHORIZE THE TOWN OF REVERE TO USE PART OF A BURIAL GROUND FOR A PUBLIC WAY.

Be it enacted, etc., as follows:

Part of a burial ground may be taken for a public way.

The duly constituted authorities of the town of Revere are hereby authorized to take and appropriate such part of the burial ground in the rear of the lot occupied by the Unitarian church in that town as shall be necessary to lay out and construct a public way through and upon the same.

Approved May 26, 1911.

Chap.480 AN ACT RELATIVE TO RECEIPTS OF THE INSTITUTIONS UNDER THE SUPERVISION OF THE STATE BOARD OF INSANITY.

Be it enacted, etc., as follows:

Receipts of certain institutions.

SECTION 1. The receipts from the sale of products of the labor of inmates of the state institutions under the supervision of the state board of insanity shall be paid into the treasury of the commonwealth monthly and may be expended for maintaining the industries of said institutions; but not

until schedules of the expenses of such maintenance have been sworn to by the superintendent and approved by the trustees. Receipts from any one of said institutions shall not be applied to paying the bills of any other institution.

SECTION 2. This act shall take effect on the first day of December in the year nineteen hundred and eleven. Time of taking effect.

Approved May 26, 1911.

AN ACT TO CONFIRM THE LOCATIONS OF ELECTRIC LINES. Chap. 481

Be it enacted, etc., as follows:

SECTION 1. All locations for poles, piers, abutments, conduits and other fixtures necessary to sustain or protect the wires of the lines of any of the companies designated in section one of chapter one hundred and twenty-two of the Revised Laws, and of any unincorporated owners and associations subject to the provisions of said chapter, heretofore granted by, or under the authority of, the mayor and aldermen of a city or the selectmen of a town and now in actual use by the respective companies, owners or associations to which the same were granted, or their legal successors or assigns, and all alterations of such locations, shall upon compliance with the provisions of section two of this act be ratified and confirmed subject to all lawful terms, obligations, restrictions, limitations, regulations and conditions set forth in said grants and to all laws now or hereafter in force applicable thereto. Nothing herein contained and no act done hereunder shall be held to make lawful any of the structures hereinbefore named for which an express grant of location has not been made by, or under the authority of, the mayor and aldermen or selectmen, as the case may be, and which has not been erected, constructed and maintained in accordance with the requirements of such grant. Locations of electric lines.

SECTION 2. Any company, owner or association desiring to avail itself of the provisions of this act shall, on or before the first day of January, nineteen hundred and thirteen, file with the city or town clerk, as the case may be, to be recorded and kept with the records of original locations for poles and wires, a map or maps showing in detail the location and nature of the structures alleged to be within the provisions of section one, together with a memorandum of the respective dates of the several grants of locations therefor. Details of locations to be recorded, etc.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1911.

Chap. 482 AN ACT RELATIVE TO THE APPORTIONMENT OF THE FINANCES
AND EXPENSES OF THE COUNTY OF SUFFOLK AMONG THE
CITIES AND TOWNS THEREIN.

Be it enacted, etc., as follows:

1910,
Resolve 109,
amended.

Apportion-
ment of
finances, etc.,
of the county
of Suffolk.

Chapter one hundred and nine of the resolves of the year nineteen hundred and ten is hereby amended by striking out all after the word "investigation", in the seventeenth line, and inserting in place thereof the following: — They shall return their decision to the supreme judicial court at such time as the court may order, and the decree of said court confirming the decision shall be final and binding. The said commissioners may expend such sums of money in carrying out the provisions of this resolve as may be necessary, and as shall be approved by said court, and they shall receive such compensation as the court shall fix. The court shall in its decree apportion said expenses and compensation among the cities and towns of Suffolk county, — so as to read as follows: — *Resolved*, That the supreme judicial court, upon application by either the city of Boston, the city of Chelsea, the town of Revere, or the town of Winthrop, and after such notice as the said court may order to each of said cities and towns, shall appoint a commission to consist of three disinterested persons, not residents of the county of Suffolk, who shall, after such notice and hearing as they deem sufficient, consider and report upon such an adjustment and apportionment, if any, of the expenses of the county of Suffolk and the proportion thereof, if any, that should fairly be borne by the said municipalities of Chelsea, Revere and Winthrop, as they may deem to be just and practicable. Said commission shall begin their investigations, by public hearings or otherwise, immediately after qualifying, and shall have authority to examine all records and accounts of the said municipalities relating to the subject-matter of the investigation. They shall return their decision to the supreme judicial court at such time as the court may order, and the decree of said court confirming the decision shall be final and binding. The said commissioners may expend such sums of money in carrying out the provisions of this resolve as may be necessary, and as shall be approved by said court, and they shall receive such compensation as the court shall fix. The court shall in its decree apportion said expenses and compensation among the cities and towns of Suffolk county.

Approved May 26, 1911.

AN ACT TO AUTHORIZE A SITTING OF THE SUPERIOR COURT *Chap. 483*
AT WARE FOR NATURALIZATION BUSINESS.

Be it enacted, etc., as follows:

SECTION 1. The superior court, sitting for the county of Hampshire, may adjourn from Northampton and sit at Ware in said county for purposes of naturalization. Sitting of the superior court in the town of Ware.

SECTION 2. Chapter sixty-eight of the acts of the year nineteen hundred and eleven is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.
Approved May 26, 1911.

AN ACT RELATIVE TO THE HOURS OF EMPLOYMENT OF WOMEN *Chap. 484*
AND MINORS.

Be it enacted, etc., as follows:

SECTION 1. Section forty-eight of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine is hereby amended by striking out the whole of said section and substituting in place thereof the following: — 1909, 514, § 48, amended.

Section 48. No child under eighteen years of age and no woman shall be employed in laboring in a manufacturing or mechanical establishment more than ten hours in any one day, except as hereinafter provided in this section, unless a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed fifty-four in a week, except that in any such establishment where the employment is by seasons, the number of such hours in any week may exceed fifty-four, but not fifty-eight, provided that the total number of such hours in any year shall not exceed an average of fifty-four hours a week for the whole year, excluding Sundays and holidays. Every employer shall post in a conspicuous place in every room in which such persons are employed a printed notice stating the number of hours' work required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time allowed for meals begins and ends or, in the case of establishments exempted from the provisions of sections thirty-six and thirty-seven, the time, if any, allowed for meals. The printed forms of such notices shall be provided by the chief of the district police, after approval by the attorney-general. The employment of such person Employment of children and women in manufacturing establishments, etc.

at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost on a previous day of the same week in consequence of the stopping of machinery upon which he was employed or dependent for employment; but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment, nor shall such overtime employment be authorized until a written report of the day and hour of its occurrence and its duration is sent to the chief of the district police or to an inspector of factories and public buildings.

SECTION 2. This act shall take effect on the first day of January in the year nineteen hundred and twelve.

Approved May 27, 1911.

*Chap.*485 AN ACT RELATIVE TO THE SALARIES OF THE DISTRICT ATTORNEYS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

1905, 157, § 1,
etc., amended.

Salaries of
district
attorneys.

SECTION 1. Section one of chapter one hundred and fifty-seven of the acts of the year nineteen hundred and five, as amended by section one of chapter three hundred and sixty-nine of the acts of the year nineteen hundred and ten, is hereby further amended by striking out the said section and inserting in place thereof the following: — *Section 1.* For the purpose of establishing the salaries of the district attorneys, the districts into which the commonwealth is divided for the administration of the criminal law, under the provisions of section eleven of chapter seven of the Revised Laws, are hereby divided into five classes, according to the following table; and the annual salary of the district attorney for each district in a class shall be as therein specified, payable from the treasury of the commonwealth: —

Class A. Districts having a population of less than two hundred and fifty thousand, to wit, the northwestern district; salary: — thirteen hundred and fifty dollars.

Class B. Districts having a population of from two hundred and fifty thousand to four hundred thousand, to wit, the southeastern, the western, the southern and the middle districts; salary: — twenty-four hundred dollars.

Class C. Districts having a population of from four hundred thousand to five hundred thousand, to wit, the eastern district; salary: — three thousand dollars.

Class D. Districts, except the Suffolk district, having a population of five hundred thousand or more, to wit, the northern district; salary: — four thousand dollars.

Class E. The Suffolk district; salary: — five thousand dollars.

SECTION 2. The salaries hereby established shall be so allowed from the first day of January in the year nineteen hundred and eleven.

Approved May 27, 1911.

AN ACT RELATIVE TO CERTAIN CLAIMS AGAINST THE COMMON-WEALTH IN CONNECTION WITH THE ABOLITION OF GRADE CROSSINGS. Chap. 486

Be it enacted, etc., as follows:

SECTION 1. Section thirty-seven of Part I of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, as amended by section one of chapter three hundred and ninety of the acts of the year nineteen hundred and eight, is hereby further amended by inserting after the word "town", in the thirty-first line, the words: — and it shall be the duty of the railroad company where there has been a taking for railroad purposes, and of the city or town or county commissioners where there has been a taking for the location or alteration of a public way or a taking of an easement in land adjoining a public way, before any entry is made or any work is actually begun upon such property, to give to the owner thereof notice in writing specifying the date upon which such entry is to be made and work is to be actually begun thereon, and for the purpose of determining the time within which a petition for damages may be brought the date so specified shall be deemed to be the time when the property is entered upon and work is actually begun thereon.

1906, 463,
§ 37, Part I,
etc., amended.

Taking of
land for cer-
tain purposes.

SECTION 2. In any case arising under the provisions of section thirty-seven of Part I of said chapter four hundred and sixty-three, as amended by section one of chapter three hundred and ninety of the acts of the year nineteen hundred and eight, where any person who sustains damage to his property in the manner therein specified fails to bring a petition within one year after the time when the property is entered upon and work is actually begun thereon, the attorney-general may, in his discretion, join with the other parties interested in a settlement of the claim of such person; and the proportion of the amount agreed upon in settlement

Claims for
damages,
etc.

thereof which would be chargeable to the commonwealth under the provisions of section thirty-four of Part I of said chapter shall be paid by the commonwealth as if it were a part of the actual cost of the work required to be done under the provisions of said section thirty-four.

Certain petitions may be dismissed.

SECTION 3. No petition now pending in the superior court or which may be filed prior to the first day of January in the year nineteen hundred and twelve for the assessment of damages to property sustained by any person under the provisions of section thirty-six of Part I of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, or under any other provision of law authorizing the taking of land in connection with the abolition of grade crossings, shall be dismissed in said court solely on the ground that said petition was not brought within one year after the time property was entered upon or work was actually begun under the decree for the abolition of such crossings.

Approved May 27, 1911.

*Chap.*487 AN ACT RELATIVE TO THE JOINT USE OF TRACKS BY STREET RAILWAY COMPANIES.

Be it enacted, etc., as follows:

Joint use of street railway tracks.

SECTION 1. The board of railroad commissioners shall have authority, upon the petition of a street railway company or of any interested party, after notice and a public hearing, to determine the reasonable conditions which shall govern the interchange of traffic and cars between street railway companies, and may, wherever it is reasonable and consistent with the public interest, order a street railway company to receive and convey over its tracks the cars of another such company at such times and over such routes and upon such terms, including reasonable compensation, as the board may prescribe: *provided, however,* that a street railway company shall have control of and responsibility for the management and operation of all cars while upon its railway as fully as if it owned them. Said board may also recommend such joint rates, fares and charges as are consistent with the provisions of any special charter of any street railway company, specifying at the same time and in every instance the part of the joint rate, fare or charge to which each street railway company affected thereby shall be entitled, and may make such other recommendations as seem appropriate to the cir-

Proviso.

cumstances of each particular case. The supreme judicial court or the superior court shall have jurisdiction in equity to enforce any orders made by said board under the provisions of this act.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1911.

AN ACT RELATIVE TO STOCKHOLDERS' AND DIRECTORS' *Chap. 488*
LIABILITY.

Be it enacted, etc., as follows:

SECTION 1. Section thirty-four of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three is hereby amended by inserting after the word "know", in the eighth line, the words: — or on reasonable examination could have known, — so as to read as follows: — *Section 34.* The president, treasurer and directors of every corporation shall be jointly and severally liable for all the debts and contracts of the corporation contracted or entered into while they are officers thereof if any stock is issued in violation of the provisions of section fourteen, or if any statement or report which is required by the provisions of this act is made by them which is false in any material representation and which they know, or on reasonable examination could have known, to be false; but only the officers who sign such statement or report shall be so liable.

1903, 437,
§ 34,
amended.

Liability of
officers of
corporations.

SECTION 2. Section thirty-six of said chapter is hereby amended by striking out all after the word "bankrupt", in the third line, to and including the word "fees", in the sixth line, and inserting in place thereof the words: — or unless before a suit to enforce the liability described in sections thirty-four and thirty-five against the president, treasurer or directors of such corporation, is brought by a creditor of said corporation, a demand in writing by or on behalf of the creditor upon such corporation for the payment of his claim has been made, and said corporation has for ten days thereafter neglected to pay it, — by striking out the words "and the execution has been returned unsatisfied", in the ninth line; by striking out the words "the execution has been so returned", in the tenth and eleventh lines, and in the twentieth and twenty-first lines, respectively, and inserting in the place thereof, in each instance, the words: — the said demand and neglect to pay the claim or to exhibit property

1903, 437,
§ 36,
amended.

which may be taken on execution sufficient to satisfy the same, — and by striking out the words “or the judgment and proceedings thereon”, in the thirtieth and thirty-first lines, — so as to read as follows: — *Section 36.* A stockholder or officer in a corporation shall not be held liable for its debts or contracts unless it has been duly adjudicated bankrupt, or unless before a suit to enforce the liability described in sections thirty-four and thirty-five against the president, treasurer or directors of such corporation, is brought by a creditor of said corporation, a demand in writing by or on behalf of the creditor upon such corporation for the payment of his claim has been made, and said corporation has for ten days thereafter neglected to pay it, or to exhibit to the officer real or personal property belonging to it and subject to be taken on execution, sufficient to satisfy the same.

After such adjudication of bankruptcy, or after the said demand and neglect to pay the claim or to exhibit property which may be taken on execution sufficient to satisfy the same, the clerk, or other officer who has charge of the records of such corporation, upon request of a creditor of the corporation or of his attorney, shall furnish to him a certified list of the names of all persons who were officers and stockholders in such corporation at the time when the liability to be enforced against them personally accrued. The supreme judicial court or the superior court shall have jurisdiction in equity to compel such list to be furnished. After an adjudication of bankruptcy or after the said demand and neglect to pay the claim or to exhibit property which may be taken on execution sufficient to satisfy the same, any creditor may file a bill in equity in the supreme judicial court or the superior court in behalf of himself and of all other creditors of the corporation, against it and all persons who are liable to the plaintiff as stockholders or officers for the recovery of the money due from the corporation to himself and to the other creditors for which the stockholders or officers may be personally liable by reason of any act or omission on the part of the corporation or any of the other defendants, setting forth the bankruptcy of the corporation, and the grounds upon which it is expected to charge the stockholders or officers personally.

SECTION 3. Section thirty-nine of said chapter four hundred and thirty-seven is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved May 27, 1911.

Certain
persons not
liable.

Enforcement
of liability.

Repeal.

AN ACT TO RESTRICT CORPORAL PUNISHMENT IN THE LYMAN *Chap.*489
SCHOOL FOR BOYS.

Be it enacted, etc., as follows:

SECTION 1. Section thirty-four of chapter eighty-six of the Revised Laws is hereby amended by adding at the end thereof the words: — Such punishment shall not be inflicted until the expiration of twenty-four hours after the same has been authorized as aforesaid, and no inmate shall be subjected to such punishment more than once in any one day, — so as to read as follows: — *Section 34.* Corporal punishment shall be permitted in the Lyman school only under such rules and regulations and by such modes as shall be prescribed by the trustees. No such punishment shall be inflicted except by the direction of the superintendent or assistant superintendent in charge, to whom the offence shall be reported, and who shall designate the nature and extent of punishment to be inflicted. In every case of such punishment, a record of the offence and the mode and extent of the punishment shall be made and presented to the trustees at their next meeting. Such punishment shall not be inflicted until the expiration of twenty-four hours after the same has been authorized as aforesaid, and no inmate shall be subjected to such punishment more than once in any one day.

R. L. 86, § 34,
amended.

Corporal
punishment,
etc.

SECTION 2. This act shall take effect upon its passage.
Approved May 27, 1911.

AN ACT RELATIVE TO THE PROTECTION OF INFANTS AND THE *Chap.*490
CARE OF PAUPER CHILDREN.

Be it enacted, etc., as follows:

SECTION 1. Section twenty-five of chapter eighty-three of the Revised Laws is hereby amended by striking out the word "sixteen", in the third line, and inserting in place thereof the words: — twenty-one, — so as to read as follows: — *Section 25.* The state board of charity shall make all necessary provision for the care and maintenance of poor and indigent children between the ages of three and twenty-one years who are in need of immediate relief and who have no lawful settlement in this commonwealth.

R. L. 83, § 25,
amended.

Care of indi-
gent children.

SECTION 2. Section thirty-six of said chapter eighty-three is hereby amended by striking out the word "sixteen", in the third and fourth lines, and inserting in place thereof

R. L. 83, § 36,
amended.

Support by
board of
charity.

the word: — twenty-one, — so as to read as follows: —
Section 36. The state board of charity may, in its discre-
tion, upon the written application of the parent or guardian,
or, if there is no parent or guardian, of a friend, of a child
under the age of twenty-one years who is dependent upon
public charity, or upon written application of the overseers
of the poor of the city or town in which such child is found,
provide for his maintenance. *Approved May 27, 1911.*

Chap.491 AN ACT RELATIVE TO THE FURNISHING OF DRINKING WATER
ON PASSENGER TRAINS.

Furnishing
of drinking
water on
passenger
trains.

Be it enacted, etc., as follows:

SECTION 1. Every railroad car while in use for the trans-
portation of passengers, upon a train running thirty miles or
more, shall be provided with a sufficient quantity of pure
drinking water in such place or places in the car as will be
convenient for the passengers, and with individual drinking
cups which shall be accessible to the passengers. No charge
shall be made for the water or for the drinking cups. The
water and cups supplied shall be subject to the supervision
and approval of the state board of health; and the said board
shall enforce the provisions of this act. Equivalent methods
of furnishing drinking water free to the passengers may be
provided, instead of the foregoing: *provided*, that the same
are approved by the state board of health.

Proviso.

Penalty.

SECTION 2. Violations of this act shall be punished by a
fine of not less than twenty-five dollars for each trip made
by a car used for transporting passengers and not provided
with water and utensils for its distribution in accordance
with the provisions hereof.

Time of
taking effect.

SECTION 3. This act shall take effect on the fifteenth day
of June in the current year. *Approved May 27, 1911.*

Chap.492 AN ACT RELATIVE TO THE LISTING AND ADVERTISING OF
SHARES OF STOCK OF MINING CORPORATIONS.

Penalty for
making false
statement.

Be it enacted, etc., as follows:

SECTION 1. An officer of a mining corporation who makes
a false statement, knowing the same to be false, in an applica-
tion to any stock exchange to list the shares of such corpora-
tion shall be punished by a fine not exceeding five hundred
dollars, or by imprisonment for not more than two years.

SECTION 2. No officer, agent, clerk or servant of a mining corporation, nor any person dealing in the shares of such corporation shall cause to be published any advertisement of the shares of such corporation in which any statement is made of the value of the property of the corporation, or of its present or prospective earnings, or of a prospective increase in the price of the shares, unless the president and a majority of the directors of such corporation, within sixty days prior to the date of the publication of such advertisement, shall have filed with the commissioner of corporations in such form as he shall prescribe, a statement under oath of the financial condition of the corporation, a full description of its property, and a statement of the earnings, if any, from the operation of the same for the fiscal year next preceding the date of the filing of the said statement.

Statement of financial condition to be made under oath.

SECTION 3. Whoever, having caused the publication of such an advertisement, or being a promoter, officer, clerk or servant of a mining corporation, or a broker or agent for such a corporation or for such a promoter, or for the person or corporation causing the publication of such an advertisement, sells or offers for sale any shares of stock in such corporation knowing that any statement in such advertisement is false or is inconsistent with a statement filed under the provisions of section two of this act, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than two years.

Penalty for causing certain publication.

SECTION 4. Whoever violates the provisions of section two of this act shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one year; and an officer or director of a mining corporation who signs any false statement filed with the commissioner of corporations under the provisions of said section, knowing such statement to be false, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than two years.

Penalty for violation of act.

Approved May 27, 1911.

AN ACT TO ESTABLISH A BOARD OF APPEAL FOR FIRE INSURANCE RATES.

Chap. 493

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall appoint for a term of three years each two persons who shall be citizens of this commonwealth and

Board of appeal for fire insurance rates, appointment, etc.

who, with the insurance commissioner or some person whom he may appoint as special deputy for that purpose, shall constitute a board of appeal for fire insurance rates. The insurance commissioner or his special deputy shall be chairman of the board. An office and a room for hearings shall be provided by the commonwealth, when they are deemed necessary by the governor and council, and the board may employ a stenographer and shall have power to compel the attendance of witnesses and the production of books and documents.

Persons
aggrieved
may file
complaint.

SECTION 2. Any person, firm or corporation aggrieved by any rating of a fire insurance company or board may file a complaint with the insurance commissioner, who shall notify the board above provided for. The complaint shall be in writing and shall state in detail the grounds upon which the complainant asks relief. The said board shall notify in writing all parties whom it deems to be interested, and shall set a time, not earlier than seven days after the date of the notice, and a place for a hearing upon the complaint. After due hearing the board shall make a finding as to whether the established rate is excessive, unfair or discriminatory and shall make such recommendations as it deems advisable. The finding and recommendation in each case shall be made a matter of record and shall be open to public inspection.

Compensa-
tion.

SECTION 3. The compensation of the two appointees of the governor and a special deputy, if appointed, shall be severally ten dollars a day for each day or fraction thereof actually employed in the service, but the insurance commissioner shall receive no extra compensation for service on the board. The necessary expenses of the board in carrying out the provisions of this act shall be borne by the commonwealth.

SECTION 4. This act shall take effect upon its passage.

Approved May 27, 1911.

Chap.494 AN ACT TO CONSTITUTE EIGHT HOURS A DAY'S WORK FOR PUBLIC EMPLOYEES.

Be it enacted, etc., as follows:

Eight hours
to constitute
a day's work
for public
employees.

SECTION 1. The service of all laborers, workmen and mechanics, now or hereafter employed by the commonwealth or by any county therein or by any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, or of section forty-two of

chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, or by any contractor or sub-contractor for or upon any public works of the commonwealth or of any county therein or of any such city or town, is hereby restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the commonwealth or of any county therein, or of any such city or town, or for any such contractor or sub-contractor or other person whose duty it shall be to employ, direct or control the service of such laborers, workmen or mechanics to require or permit any such laborer, workman or mechanic to work more than eight hours in any one calendar day, except in cases of extraordinary emergency. Danger to property, life, public safety or public health only shall be considered cases of extraordinary emergency within the meaning of this section. In cases where a Saturday half holiday is given the hours of labor upon the other working days of the week may be increased sufficiently to make a total of forty-eight hours for the week's work. Threat of loss of employment or to obstruct or prevent the obtaining of employment or to refrain from employing in the future, shall each be considered to be "requiring" within the meaning of this section. Engineers shall be regarded as mechanics within the meaning of this act.

SECTION 2. Every contract, excluding contracts for the purchase of material or supplies, to which the commonwealth or any county therein or any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, is a party which may involve the employment of laborers, workmen or mechanics shall contain a stipulation that no laborer, workman or mechanic working within this commonwealth, in the employ of the contractor, sub-contractor or other person doing or contracting to do the whole or a part of the work contemplated by the contractor shall be requested or required to work more than eight hours in any one calendar day, and every such contract which does not contain this stipulation shall be null and void. Contracts.

SECTION 3. Any agent or official of the commonwealth or of any county therein or of any city or town or any contractor or sub-contractor or any agent or person acting on behalf of any contractor or sub-contractor who violates any provision of this act shall be punished by a fine not exceeding one thousand dollars or by imprisonment for six months or both such fine and imprisonment for each offence. Penalty.

Not to apply
in certain
cases.

SECTION 4. This act shall not apply to the preparation, printing, shipment and delivery of ballots to be used at a caucus, primary, state, city or town election, nor during the sessions of the general court to persons employed in legislative printing or binding; nor shall it apply at any time to persons employed in any state, county or municipal institution, on a farm, or in the care of the grounds, in the stable, in the domestic or kitchen and dining room service or in store rooms or offices.

Repeal.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved May 27, 1911.*

Chap.495

AN ACT RELATIVE TO FIREARMS.

Be it enacted, etc., as follows:

Certain terms
defined.

SECTION 1. In this act the term "firearms" means a pistol, revolver or other weapon of any description loaded or unloaded from which a shot or bullet can be discharged and in which the length of barrel, not including any revolving, detachable or magazine breech, does not exceed twelve inches. The words "licensing board" mean the mayor and city council in cities and the selectmen of towns. This act shall not apply to antique firearms which are incapable of use as firearms.

Certain
rights not
affected.

SECTION 2. This act shall not affect the rights conferred or penalties imposed concerning firearms by laws now in force, except in so far as such laws are inconsistent herewith.

Licenses.

SECTION 3. The licensing board in any city or town may, in its discretion, grant licenses to persons to sell, rent or lease firearms. Every such license shall specify the street, lane, alley, or other place, and the street number or other particular description of the building where the licensee shall exercise his employment under said license, and the license shall not protect a licensee who exercises his employment in any other place than that so specified.

Conditions
of license.

SECTION 4. The license shall be expressed to be, and shall be, subject to the following conditions: — First: That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to. Second: That every licensee shall, before delivery of a firearm, make or cause to be made a true entry in a book to be kept for that purpose, specifying the description of the firearm, the make, number, whether single barrel, magazine, revolver, pin, rim, or central fire, whether sold, rented, or leased, the date and hour of such

delivery, and the full name, sex, residence and occupation of the purchaser, exchanger or hirer. The said book shall be open at all times to the inspection of the licensing board and of the police. Third: That the license, or a copy thereof certified by the recording officer of the licensing board or by the clerk of the city or town by which it is issued, shall be displayed on the premises in a position where it can easily be read. Fourth: That no firearms shall be displayed in any outer window of said premises, or in any other place where they can readily be seen from the outside of said premises. Fifth: That the license shall be subject to forfeiture as herein provided, for breach of any of its conditions; and that, if the licensee is convicted of a violation of any such condition, his license shall thereupon become void.

SECTION 5. The licenses shall expire on the thirtieth day of April of each year; but they may be granted during April to take effect on the first day of May next ensuing.

Terms of license.

SECTION 6. The licensing board, after notice to the licensee hereunder and reasonable opportunity for him to be heard by the board or by the mayor and a committee of the city government or by the selectmen, may declare his license forfeited, or may suspend his license for such period of time as they may deem proper, upon satisfactory proof that he has violated or permitted a violation of any condition thereof, or has violated any law of the commonwealth. The pendency of proceedings before a court of justice shall not suspend or interfere with the power herein given to decree a forfeiture. If the license is declared to be forfeited, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited.

Licenses may be forfeited or suspended in certain cases.

SECTION 7. If any placard, sign, or advertisement is exposed from, maintained in or permitted to remain upon any vehicle, shop, stand, tenement, or any place of common resort, purporting or designed to announce the keeping in or upon said vehicle or in or upon any of said premises, of firearms, it shall be prima facie evidence that firearms are kept in or upon such vehicle or premises for sale.

Placard, sign, etc., to be evidence that firearms are kept for sale.

SECTION 8. Licensing boards may transfer licenses from one location to another within the city or town in which the licenses are in force, but such transfer shall be granted only to the original licensee and upon the same terms and conditions upon which the license was originally granted.

Transfer of licenses.

SECTION 9. Whoever without being licensed as hereinbefore provided sells, or exposes for sale, or has in his posses-

Penalty for selling without a license.

sion with intent to sell firearms as defined in this act, shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not more than one year.

Penalty on purchaser for giving false name, etc.

SECTION 10. Any person who in purchasing, exchanging or hiring a firearm gives a false or fictitious name or address shall upon conviction be punished by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

Not to apply to sales at wholesale.

SECTION 11. This act shall not apply to sales of firearms made at wholesale.

Approved May 27, 1911.

Chap.496 AN ACT RELATIVE TO THE ABOLITION OF THE GRADE CROSSING IN THE TOWN OF WINCHESTER.

Be it enacted, etc., as follows:

Abolition of the grade crossing in the town of Winchester.

SECTION 1. If it appears to the special commission appointed for the abolition of the grade crossing of the railroad and the public ways at the centre of the town of Winchester that the method most advantageous to said town is more expensive than another method which would satisfy the other parties having to bear the expense of the abolition, then the said town, in order to obtain such more advantageous method, may contract with such other parties, including the commonwealth, to pay a portion of the expense greater than that devolved upon it by the statutes, the remaining expense to be borne by the various parties in the proportion provided for in the statutes as to the whole expense. In making a contract as aforesaid the commonwealth shall be represented by the attorney-general, the town by its selectmen acting in accordance with a vote previously passed by a two thirds vote of the registered voters of the town present and voting at a meeting duly called for the purpose, and the railroad and railway companies by an executive officer authorized by their boards of directors; and any contract, obligation or indebtedness so established or agreed to in writing shall be valid and binding.

The town may contract with other parties, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 27, 1911.

AN ACT RELATIVE TO PROCEEDINGS IN TRIALS AFTER THE *Chap.497*
ALLOWANCE OF EXCEPTIONS.

Be it enacted, etc., as follows:

Section seventy-nine of chapter one hundred and seventy-three of the Revised Laws is hereby amended by adding at the end thereof the words: — or except as is hereinafter provided, — so as to read as follows: — *Section 79.* The trial of questions of fact shall proceed although exceptions have been filed and allowed therein, and such further proceedings shall be had as the court orders; but judgment shall not be entered unless the exceptions are judged immaterial, frivolous or intended for delay, or except as is hereinafter provided.

R. L. 173,
§ 79,
amended.

Trials to proceed after allowance of exceptions.

Approved May 27, 1911.

AN ACT TO AUTHORIZE THE METROPOLITAN PARK COMMISSION *Chap.498*
TO LICENSE THE MAINTENANCE OF CERTAIN ENCROACHMENTS UPON THE EMBANKMENT OF THE CHARLES RIVER BASIN.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan park commission is hereby authorized to license the maintenance of those parts of buildings and of the foundations of buildings which on the first day of July, nineteen hundred and ten, projected into, upon or over the embankment of the Charles river basin as defined in section eleven of chapter four hundred and sixty-five of the acts of the year nineteen hundred and three. Said licenses shall be granted upon such terms, conditions, restrictions and agreements, and for such period of years, not exceeding twenty-five years, as said commission may deem best: *provided, however,* that the licenses shall be revocable at any time by the commission.

Certain encroachments upon the embankment of the Charles river basin to be permitted.

Proviso.

SECTION 2. The granting of such a license shall in no event be construed to create in the licensee any title to the land into, upon or over which any licensed encroachment shall project, and no person shall by the maintenance of parts of buildings or foundations of buildings described in section one, with or without a license as herein provided, acquire any rights by prescription or adverse possession in any part of the Charles river embankment defined as aforesaid.

Granting of license not to create a title to land, etc.

SECTION 3. This act shall take effect upon its passage.

Approved May 27, 1911.

*Chap.*499 AN ACT RELATIVE TO THE PLANTING AND CULTIVATING OF CLAMS AND QUAHAUGS IN THE TOWN OF BARNSTABLE.

Be it enacted, etc., as follows:

Planting and cultivating of clams, etc., in the town of Barnstable.

SECTION 1. The selectmen of the town of Barnstable may, by a writing under their hands, grant a license for such a term of years, not exceeding five, as they, in their discretion, may deem for the public good, to any citizen of the said town, to plant, cultivate and dig clams and quahaugs upon and in any flats and creeks in the town; not, however, impairing the private rights of any person. The territory covered by any such license shall not be less than two nor more than five acres for each clam or quahaug grant. The license may be assigned by the licensee to any person who is a citizen of the town, but only with the written consent of the selectmen.

Obstruction of navigable waters prohibited.

SECTION 2. The licenses herein provided for shall not be granted if their exercise would materially obstruct navigable waters. No license shall be granted under this act until after a public hearing, notice of which has been given in a newspaper published in said town at least ten days before the hearing. Such notice shall state the date of the hearing, the name and residence of the applicant, the date of the filing of the application, and the location, area and description of the grounds applied for.

Flats and creeks to be described.

SECTION 3. The license shall describe by metes and bounds the flats and creeks so appropriated, and shall be recorded by the town clerk before it shall have any force; and the licensee shall pay to the selectmen for their use two dollars, and to the town clerk fifty cents.

Licensee to have exclusive use of flats, etc.

SECTION 4. The licensee, and his heirs and assigns, shall, for the purposes aforesaid, have the exclusive use of the flats and creeks described in the license, during the time specified therein, and may in an action of tort recover treble damages of any person who, without his or their consent, digs or takes clams and quahaugs from such flats or creeks during the continuance of the license.

By-laws.

SECTION 5. The town of Barnstable, at any legal meeting called for the purpose, may make such by-laws as the town may from time to time deem expedient, to protect and preserve the shellfisheries within said town: *provided, always,* that no such by-law shall infringe the laws of the commonwealth.

Proviso.

SECTION 6. If it appears to the selectmen that the licensee, or his heirs or assigns, for a period of two years fail actually to use and occupy the grant for the purposes specified in the license, they may, after a public hearing, thirty days' notice of which shall be given to the licensee, revoke the license, and the use of the territory shall revert to the town. License may be revoked.

SECTION 7. Whoever takes any shellfish from the waters of the town of Barnstable in violation of any by-law established by the town, or of any provision of this act, shall for every offence pay a fine of not less than five nor more than ten dollars, and the costs of prosecution, and one dollar for every bushel of shellfish so taken. Penalty.

SECTION 8. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.
Approved May 27, 1911.

AN ACT RELATIVE TO THE ABANDONMENT OF CHILDREN BY PARENTS OR OTHERS. Chap. 500

Be it enacted, etc., as follows:

Section ten of chapter eighty-three of the Revised Laws, as amended by chapter two hundred and sixty-nine of the acts of the year nineteen hundred and five, is hereby further amended by inserting after the word "overseers", in the ninth line, the words: — of the poor, — so as to read as follows: — *Section 10.* Whoever abandons an infant under ten years of age within or without any building, or, being its parent, or being under a legal duty to care for it, and having made a contract for its board or maintenance, absconds or fails to perform such contract, and who for four weeks after such absconding or breach of his contract, if of sufficient physical and mental ability, neither visits nor removes such infant nor notifies the overseers of the poor of the city or town in which he resides of his or her inability to support such infant shall be punished by imprisonment, if a man, in the house of correction, or, if a woman, in the reformatory prison for women, for not more than two years; or, if the infant dies by reason of such abandonment, for not more than five years. Whoever knowingly and with wrongful intent aids or abets in abandoning such infant shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than two years. R. L. 83, § 10, etc., amended.
Penalty for abandonment of infants.
Approved May 27, 1911.

Chap.501 AN ACT RELATIVE TO NEW TRIALS IN JURY CASES.

Be it enacted, etc., as follows:

Statement
to be filed
of grounds
on which
verdict is set
aside, etc.

SECTION 1. Whenever a verdict is set aside and a new trial is granted under the provisions of section one hundred and twelve of chapter one hundred and seventy-three of the Revised Laws, the justice granting the motion for the new trial shall file a statement setting forth fully the grounds upon which the motion is granted, which statement shall be a part of the record of the case. If it appears from the statement that the sole ground for granting the motion was that the damages awarded were either inadequate or excessive, then the new trial shall be limited to the question of the amount of damages.

SECTION 2. This act shall take effect upon its passage.
Approved May 27, 1911.

Chap.502 AN ACT RELATIVE TO THE TAXATION OF LEGACIES AND SUCCESSIONS.

Be it enacted, etc., as follows:

1909, 490,
§ 3, Part IV,
amended.

SECTION 1. Section three of Part IV of chapter four hundred and ninety of the acts of the year nineteen hundred and nine is hereby amended by inserting after the word "death", in the second line, the words: — including so much of each share of stock in any railroad or street railway company or telegraph or telephone company incorporated under the laws of this commonwealth and also under the laws of some other state or country as is proportional to the part of such company's line lying without the commonwealth, — so as to read as follows: — *Section 3.* Property of a resident of the commonwealth which is not therein at the time of his death, including so much of each share of stock in any railroad or street railway company or telegraph or telephone company incorporated under the laws of this commonwealth and also under the laws of some other state or country as is proportional to the part of such company's line lying without the commonwealth, shall not be taxable under the provisions of this part if legally subject in another state or country to a tax of like character and amount to that hereby imposed, and if such tax be actually paid or guaranteed or secured in accordance with law in such other state or country; if legally subject in another state or country to a tax of like character

Property of
a resident
not subject
to taxation
in certain
cases, etc.

but of less amount than that hereby imposed and such tax be actually paid or guaranteed or secured as aforesaid, such property shall be taxable under this part to the extent of the difference between the tax thus actually paid, guaranteed or secured, and the amount for which such property would otherwise be liable hereunder. Property of a non-resident decedent which is within the jurisdiction of the commonwealth at the time of his death, if subject to a tax of like character with that imposed by this part by the law of the state or country of his residence, shall be subject only to such portion of the tax hereby imposed as may be in excess of such tax imposed by the laws of such state or country: *provided*, that a like exemption is made by the laws of such other state or country in favor of estates of citizens of this commonwealth, but no such exemption shall be allowed until such tax provided for by the law of such other state or country shall be actually paid, guaranteed, or secured in accordance with law.

Proviso.

SECTION 2. The provisions of this act shall apply to all cases in which the tax remains unpaid at the date of the passage hereof.

To apply only in certain cases.

SECTION 3. This act shall take effect upon its passage.

Approved May 27, 1911.

AN ACT TO REGULATE THE MANUFACTURE, PRODUCTION, TRANSPORTATION AND SALE OF ARTICLES OR COMMODITIES IN COMMON USE. *Chap. 503*

Be it enacted, etc., as follows:

SECTION 1. Upon written complaint on oath of the complainant filed in the supreme judicial court or in the superior court, alleging that any person, co-partnership or corporation has, in the county where such complaint is filed, entered into any contract, agreement, arrangement, combination or practice, whereby a monopoly in the manufacture, production, transportation or sale in this commonwealth of any article or commodity in common use is or may be created, established or maintained; or whereby competition in this commonwealth in the supply or price of any such article or commodity is or may be restrained or prevented; or whereby for the purpose of creating, establishing or maintaining a monopoly within this commonwealth of the manufacture, production, transportation or sale of any such article or commodity, the free pursuit in this state of any lawful business,

Monopoly in the manufacture, etc., of certain commodities prohibited.

trade or occupation is or may be restrained or prevented; or whereby the price of any article or commodity in common use is or may be unduly enhanced within this commonwealth; the court shall hear on oath the complainant and any witnesses produced by him. If it appears to the court that such contract, agreement, arrangement, combination or practice exists, the court shall issue an order of notice to the respondents to appear and show cause why the court should not appoint a master to hear and to make report on said complaint; and thereafter, if such cause be not shown, the court shall appoint a master who shall, in accordance with the established practice and rules in equity, hear the complainant and the respondents and their evidence upon the allegations of said complaint; and upon motion of the complainant, other persons, co-partnerships or corporations, within the jurisdiction of the court and appearing to the court to be necessary parties to the full examination of the allegations of said complaint, may upon proper notice be cited to appear as parties respondent. After such hearing the master shall make and file his report, and said parties may present their objections and exceptions thereto and prosecute the same in accordance with the rules of procedure in equity. Said final report of the master shall be filed by him within thirty days after the close of the hearing, unless further time is allowed by order of the court.

SECTION 2. Masters may append to their reports made in accordance with the provisions of the preceding section, such recommendations to the parties as may be germane to, and warranted by their findings of fact or rulings of law, and as may tend to remove restraint or to prevent any ground of complaint alleged in said complaint and found by the master to be proven; but such recommendations may, upon motion of any party, and upon order of the court, be disaffirmed and expunged from the records of the case. The report of the master, if affirmed by the court, shall be transmitted by the clerk to the attorney-general, who shall forthwith cause such further proceedings, either civil or criminal, to be instituted as such report may warrant.

SECTION 3. Masters appointed under the provisions of this act shall have all the powers conferred upon masters in equity procedure. Their fees shall be fixed by the court and paid out of the treasury of the commonwealth. Upon request of a master appointed under the provisions of this act a room or rooms for hearings shall be provided in the state

Hearing
may be
granted.

Findings,
recommendations,
etc.

Powers of
masters, etc.

house, if the cause be pending in the county of Suffolk, Middlesex or Norfolk; if elsewhere, in some county court house within the county where the cause is pending. Upon approval by the court, such masters may employ suitable clerical or stenographic assistants to report the evidence taken and the findings. Such assistants shall be paid out of the treasury of the commonwealth.

SECTION 4. At any hearing, pursuant to the provisions of this act, no person shall be excused from answering any questions material to the proof of the allegations of the complaint, or from producing any books, papers or documents which are so material, on the ground that the testimony or evidence, documentary or otherwise, so required of him, tends to incriminate him; but no person shall be prosecuted in any criminal proceeding, or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, in any such hearing. Upon objection of a party, no book, paper or document, or part thereof, produced by him at the request of the other party to the action, shall be examined by the party making the request or his attorney, or offered in evidence, unless it is so ordered by the master, after examination thereof and a hearing thereon, and a ruling by the master that such evidence is material and competent.

No person to be excused from answering questions, etc.

Approved May 27, 1911.

AN ACT RELATIVE TO THE RETIREMENT OF CERTAIN VETERANS IN THE SERVICE OF THE CITY OF NEW BEDFORD. *Chap. 504*

Be it enacted, etc., as follows:

SECTION 1. A veteran of the civil war in the service of the city of New Bedford, if incapacitated for active duty, may be retired from active service, with the consent of the mayor, at one half the rate of compensation paid to him at the time of his retirement, to be paid out of the treasury of the city: *provided*, that no veteran shall be entitled to be retired under the provisions of this act unless he shall have been in the service of the city for at least ten years.

Retirement of certain veterans in the service of the city of New Bedford.

Proviso.

SECTION 2. A veteran retired under the provision of this act, whose term of service was for a fixed number of years, shall be entitled to the benefits of the act without reappointment.

Veterans entitled to certain benefits.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the twenty-third day of May, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap.505 AN ACT TO AUTHORIZE THE REINSTATEMENT OF PHILIP H. SHANLEY IN THE STREET DEPARTMENT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Reinstatement of Philip H. Shanley in the street department of Boston.

SECTION 1. Philip H. Shanley, formerly employed as an inspector in the street department of the city of Boston, may, subject to the approval of the commissioner of public works, and the mayor, be reappointed to a similar position without undergoing a civil service examination.

Repeal.

SECTION 2. Chapter two hundred and ninety-five of the acts of the year nineteen hundred and eleven is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the twenty-third day of May, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap.506 AN ACT TO AUTHORIZE THE INCORPORATION OF MEDICAL MILK COMMISSIONS.

Be it enacted, etc., as follows:

Incorporation of medical milk commissions.

SECTION 1. For the purpose of supervising the production of milk intended for sick room purposes, infant feeding, use in hospitals and for other uses, any five or more physicians, duly authorized to practise medicine under the laws of this commonwealth may form a corporation in the manner provided by and subject to the provisions of chapter one hundred and twenty-five of the Revised Laws. The members of the board of health of any city or town in which such corporation is formed shall be ex officio members of the corporation.

Name of corporation.

SECTION 2. The name of any corporation organized under the provisions of this act shall be "Medical Milk Commis-

sion of ", designating the name of the city or town in which such corporation is established, and in case more than one corporation shall be organized under this act in any city or town the subsequent corporation or corporations shall use the name designated herein, but shall indicate in such name its proper sequence in incorporation by adding thereto the words "Number Two" or "Number Three" or as the case may be.

SECTION 3. No member of any corporation organized under this act shall receive directly or indirectly from such corporation, or from any dairyman or dairymen producing milk under agreement with the corporation, any salary or emolument or any compensation of any kind for any services rendered as a member of such corporation, or for any services rendered under the provisions of this act; and any member of such a corporation who shall receive any salary, emolument or compensation of any kind for such services shall be liable to a fine of one hundred dollars, and in addition thereto he shall be removed from his office as a member of said corporation and shall thereafter be disqualified from becoming a member of any corporation incorporated under the provisions of this act.

Compensation not permitted to members of the corporation.

SECTION 4. Every corporation organized under this act shall have power to enter into agreements in writing with any dairyman or dairymen for the production of milk under the supervision of such corporation for the purposes named in section one and to prescribe in such agreements the conditions under which such milk shall be produced, which conditions, however, shall not fall below the standards of purity and quality for certified milk as fixed by the American Association of Medical Milk Commissions and the standards for milk now or hereafter fixed by the laws of the commonwealth.

Powers of the corporation.

SECTION 5. The working methods of any corporation organized under this act and the dairies in which milk is produced under contract with any such corporation shall at all times be subject to investigation by the state board of health.

Working methods subject to investigation.

SECTION 6. No person, firm, association or corporation shall sell or exchange, or offer or expose for sale or exchange as and for certified milk any milk which does not conform to the regulations prescribed by and bear the certification of a corporation organized under the provisions of this act. Any person, firm, association or corporation violating any provision of this section shall be guilty of a misdemeanor,

Sale, etc., of milk prohibited unless it conforms to certain regulations.

and shall be liable to a fine of not more than one hundred dollars for each offence.

(This bill, returned by the governor to the senate the branch in which it originated, with his objections thereto, was passed by the senate May 22, and, in concurrence by the house of representatives May 31, the objections of the governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law".)

Chap.507 AN ACT TO EXTEND THE TIME IN WHICH INTOXICATING LIQUORS MAY BE SOLD BY INNHOLDERS IN THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

R. L. 100,
§ 17, etc.,
amended.

Conditions
relative to
the sale of
intoxicating
liquors in
the city of
Springfield.

SECTION 1. The second condition of section seventeen of chapter one hundred of the Revised Laws, as amended by section one of chapter three hundred and ninety-five of the acts of the year nineteen hundred and six, is hereby further amended by striking out said condition and inserting in place thereof the following: — Second, that spirituous or intoxicating liquors shall not be sold between the hours of eleven at night and six in the morning, or on the Lord's day; but if the licensee is also licensed as an innholder, he may, between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food or lodging. And, in the cities of Boston and Springfield, such a licensed innholder may also, with the consent of the licensing authority and upon the payment of an additional fee of five hundred dollars in the city of Boston and not less than two hundred dollars in the city of Springfield, supply such liquors between the hours of eleven and twelve at night, except on the Lord's day, to guests who have resorted to his inn for food or lodging, but only in dining rooms: *provided*, that the number of permits for selling during the additional hour aforesaid shall not exceed one for every twenty thousand or fraction thereof of the population of said cities as ascertained by the last preceding national or state census.

Proviso.

Time of
taking effect.

SECTION 2. So much of this act as applies to the city of Springfield shall take effect upon its acceptance by a majority of the voters of the city of Springfield voting thereon at the next state election; and the following question shall be printed on the official ballot of said city for said election: "Shall an act passed by the general court in the year nineteen hun-

dred and eleven, entitled 'An Act to extend the time in which intoxicating liquors may be sold by innholders in the city of Springfield' be accepted?''.

(The foregoing was laid before the Governor on the twenty-fourth day of May, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

AN ACT RELATIVE TO SEASON TICKETS ISSUED BY RAILROAD Chap. 508
CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. All railroads operating in the commonwealth of Massachusetts and issuing season tickets between points within the commonwealth shall, at the request and on the presentation of a season ticket by the holder thereof, place the same on deposit for not less than one week and reissue the ticket at the request of the owner, extending the period for which the ticket was issued by a number of days equal to the number during which it remained on deposit: *provided, however,* that no ticket shall be deposited more frequently than at the rate of once in three months; and a holder shall have such further privileges as the railroad commissioners shall approve.

Season tickets issued by railroad corporations may be extended.

Proviso.

SECTION 2. All railroads operating in the commonwealth of Massachusetts and issuing season tickets between points within the commonwealth shall, at the request of a holder of a season ticket, reimburse said holder for the cost of the fare or fares paid by said holder between the stations named on the ticket whenever said holder fails to present the season ticket for fare. The holder of a season ticket in order to be entitled to reimbursement must, within one week, present to the proper officer of the railroad company the certificate given at the time of paying the fare together with the coupon from the season ticket.

Holders of season tickets to be reimbursed in certain cases.

SECTION 3. This act shall take effect upon its passage but shall not apply to any tickets heretofore issued.

Time of taking effect.

(The foregoing was laid before the Governor on the twenty-fourth day of May, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

*Chap.*509 AN ACT RELATIVE TO THE TRANSMISSION OF ELECTRICITY.*Be it enacted, etc., as follows:*R. L. 122,
§ 1, amended.Transmis-
sion of
electricity.

SECTION 1. Chapter one hundred and twenty-two of the Revised Laws is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* A company which is incorporated for the transmission of intelligence by electricity or by telephone, whether by electricity or otherwise, or for the transmission of electricity for lighting, heating or power, or for the construction and operation of a street railway or an electric railroad, may, under the provisions of the following sections, construct lines for such transmission upon, along, under and across the public ways and across and under any waters within the commonwealth, by the erection or construction of the poles, piers, abutments, conduits and other fixtures, except bridges, which may be necessary to sustain or protect the wires of its lines; but such company shall not incommode the public use of public ways or endanger or interrupt navigation.

R. L. 122,
§ 2, etc.,
amended.Granting of
locations for
poles and
wires, etc.

SECTION 2. Section two of chapter one hundred and twenty-two of the Revised Laws, as amended by chapter two hundred and thirty-seven of the acts of the year nineteen hundred and three, and by chapter one hundred and seventeen of the acts of the year nineteen hundred and six, is hereby further amended by striking out said section and inserting in place thereof the following: — *Section 2.* A company desiring to construct a line for such transmission upon, along, under or across a public way shall in writing petition the mayor and aldermen of the city or the selectmen of the town in which it is proposed to construct such line for permission to erect or construct upon, along, under or across said way the wires, poles, piers, abutments or conduits necessary therefor. A public hearing shall be held on the petition, and written notice of the time and place of the hearing shall be mailed at least seven days prior thereto by the clerk of the city or by the selectmen of the town to all owners of real estate abutting upon that part of the way upon, along, across or under which the line is to be constructed, as such ownership is determined by the last preceding assessment for taxation. After a public hearing as aforesaid, the mayor and aldermen, or the selectmen may by order grant to the petitioner a location for such line, specifying therein where the poles, piers, abutments or conduits may be placed, and in

respect to overhead lines may also specify the kind of poles, piers or abutments which may be used, the number of wires or cables which may be attached thereto, and the height to which the wires or cables may run.

After the erection or construction of such line the mayor and aldermen or selectmen may, after giving the company or its agents an opportunity to be heard, or upon petition of the company without notice or hearing, by order permit an increase in the number of wires or cables, and direct an alteration in the location of the poles, piers, abutments or conduits or in the height of the wires or cables. The mayor and aldermen or selectmen may, upon petition in writing by two or more companies subject to the provisions of this chapter, without notice or hearing, by order authorize any such company to attach its wires and fixtures to existing poles, piers or abutments of either or any of the other petitioners, or to maintain its wires or cables in the conduits of either or any of said other petitioners. The mayor and aldermen or selectmen may, upon petition in writing by two or more companies subject to the provisions of this chapter, and after notice to abutting landowners and a hearing as hereinbefore provided, by order grant to said companies joint or identical locations for the erection or construction of poles, piers, abutments or conduits to be owned and used in common by them. No order of the mayor and aldermen or selectmen shall be required for renewing, repairing or replacing wires, cables, poles, piers, abutments, conduits or fixtures once erected or constructed under the provisions of law, or for making house connections or connections between duly located conduits and distributing poles.

Increase in number of poles and wires, etc.

The order granting a location or an alteration thereof, or authorizing an increase in the number of wires or cables or attachments, such as are hereinbefore described, shall be recorded by the clerk of the city or of the town in books kept exclusively for the purpose, and where notice has been given as hereinbefore provided the clerk of the city or the chairman or a majority of the selectmen shall certify on said record that the order was adopted after due notice and a public hearing as hereinbefore prescribed, and no such order shall be valid without such certificate. The company or companies in whose favor the order is made shall pay for such record the same fees as are allowed for the entering and recording of deeds by registers of deeds, and shall be entitled to attested copies of said orders and certificates upon payment

Order granting increase to be recorded, etc.

of the same fees as are allowed to registers of deeds for copies.

Other wires
may be at-
tached, etc.

The mayor and aldermen or selectmen may under the provisions of this section authorize the attachment of the wires and fixtures of a street railway or electric railroad company to the poles, piers and abutments of another owner, or the attachment of the wires and fixtures of another owner to the poles, piers and abutments of such company, and may grant joint or identical locations for the erection or construction of poles, piers or abutments to be owned and used in common by such company and another owner or other owners, and locations for the transmission lines and telephone, signal and feed wires of such company in public ways or parts thereof, other than those public ways or parts thereof in which the tracks of such company are laid, and locations for additional poles to support, or alterations of locations for existing poles supporting, trolley or span wires; and all locations granted to a street railway or electric railroad company hereunder shall be subject only to revocation as provided in section sixty-six of Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six; but nothing contained in this section save as hereinbefore expressly set forth shall be held to apply to the poles, wires and other appliances and equipment which a street railway or electric railroad company, by a grant of location, or extension or alteration thereof, under any general or special law now or hereafter in force relating to street railways or electric railroads may be authorized to construct, maintain and operate in a public way; and no terms, restrictions and obligations, other than such as may be imposed upon a grant of location for a street railway or electric railroad, or an extension or alteration thereof, under any general or special law now or hereafter in force relating thereto, shall be imposed upon locations granted to a street railway or electric railroad company hereunder, save locations for its transmission lines or telephone, signal or feed wires in public ways or parts thereof other than those public ways and parts thereof in which the tracks of such company are laid.

R. L. 122,
§ 17,
amended.

Poles, etc.,
to be marked,
etc.

SECTION 3. Chapter one hundred and twenty-two of the Revised Laws is hereby amended by striking out section seventeen and inserting in place thereof the following: — *Section 17.* Such person or corporation shall plainly mark each pole, pier, abutment, or other fixture supporting wires or cables containing wires over streets or buildings with the

name or initials of the owner of such pole, pier, abutment or other fixture. Wherever cross arms or other appliances for the support of wires or cables belonging to different owners are attached to the same pole, pier, abutment or other fixture, every such cross arm or other appliance shall plainly be tagged or marked with the name or initials of the owner thereof. Wherever wires or cables belonging to different owners are attached to the same cross arm or other appliances for the support of wires or cables, every wire or cable shall be tagged or marked with the name or initials of the owner at or near its point of attachment to such cross arm or other appliance. No such tag or mark shall be required for the wires, poles, piers, abutments and other fixtures of a street railway or electric railroad company, except for its feed wires supported by poles carrying wires or cables belonging to another owner, and for its poles supporting wires or cables belonging to another owner, and for poles belonging jointly to the street railway company and another owner.

SECTION 4. Chapter one hundred and twenty-two of the Revised Laws is hereby amended by striking out section twenty and inserting in place thereof the following: — *Section 20.* Poles and other structures which are used to support lines for the transmission of electricity shall be insulated in such manner as to protect employees and other persons from accidents. If such poles and other structures are of any material except wood, and support lines which are operated at a voltage in excess of two thousand volts, they shall be plainly and conspicuously marked "Dangerous. Keep Away." The officer and inspector of wires appointed under the authority of section eighteen of said chapter one hundred and twenty-two, or the commissioner of wires of the city of Boston, shall enforce the provisions of this section, and he shall be the sole judge of what constitutes a proper insulation and marking.

R. L. 122,
§ 20,
amended.
Insulation
of poles, etc.

SECTION 5. Chapter one hundred and twenty-two of the Revised Laws is hereby amended by striking out section twenty-three and inserting in place thereof the following: — *Section 23.* A corporation or person maintaining or operating telephone, telegraph or other electric wires shall, at all places where such wires are affixed by any pole, structure or fixture to the property of another, mark such pole, structure or fixture in a clear, durable and legible manner with the name or initials of the corporation or person maintaining or operating such wires, and any corporation or person failing to

R. L. 122,
§ 23,
amended.

Name of corporation,
etc., to be
attached, etc.

comply with the provisions of this section shall be punished by a fine of not more than one hundred dollars.

SECTION 6. Chapter one hundred and twenty-two of the Revised Laws is hereby amended by striking out section twenty-eight and inserting in place thereof the following:—
Section 28. Whenever, in order to move a building or for any other necessary purpose, a person desires that the wires of any such company be cut, disconnected or removed, the company shall forthwith cut, disconnect or remove the same, if the person desiring this to be done has first left a written statement, signed by him, of the time when, and the place, described by reference to the crossings of streets or highways, where he wishes to remove said wires, at the office of the company in the town in which such place is situated, twenty-four hours before the time so stated, or, if there is no such office, if he has deposited such statement in the post office, properly prepaid, and directed to the company at its office nearest to said place, three days before the time mentioned in said statement. If the company neglects or refuses to cut, disconnect or remove wires as hereinbefore provided, the inspector of wires, or the selectmen of a town where there is no inspector of wires, may cause the same to be cut, disconnected or removed, and the city or town may recover of the company in an action of contract the expense of so doing.

SECTION 7. No ordinance or regulation of a city or town, or regulation or restriction imposed in a grant of location, affecting the erection, maintenance or operation of a line for the transmission of electricity for light, heat or power extending or intended to extend from some point in one city or town through, or to some point in another city or town, shall take effect until the same shall have been approved by the board of gas and electric light commissioners in the case of electric light, heat or power companies, and by the board of railroad commissioners in the case of street railway and electric railroad companies.

SECTION 8. Any company subject to the provisions of chapter one hundred and twenty-two of the Revised Laws, except a telegraph or telephone company, desiring to construct a line for the transmission of electricity which will of necessity pass through one or more cities or towns to connect the proposed termini of such line, whose petition for the location necessary for such line has been refused, or has not been granted within three months after the filing thereof by the mayor and aldermen of a city or the selectmen of a town

R. L. 122,
 § 28,
 amended.

Wires may
 be cut, etc.

1

When
 ordinance or
 regulation
 shall take
 effect.

Duties of the
 gas and
 electric light
 commission-
 ers, etc.

through which said company intends to construct such line for the purpose aforesaid, may apply, in the case of electric light, heat or power companies to the board of gas and electric light commissioners, and in the case of street railway and electric railroad companies to the board of railroad commissioners, for such location. The board to which such application is made shall give a public hearing thereon after notice to the mayor and aldermen of the city or to the selectmen of the town refusing or neglecting to grant such location, and to all persons owning real estate abutting upon any way in said city or town in which such location is asked for, as such ownership is determined by the last assessment for taxation. Said board shall, if requested by the mayor and aldermen or the selectmen, hold said hearing in the city or town in which the location is asked for. If it shall appear at the hearing that the company has already been granted and has accepted a location for such line in two cities, or in two towns, or in a city and town, adjoining the city or town because of the refusal or neglect of whose mayor and aldermen or selectmen to grant a location therefor the application is made, and if in the judgment of said board the location is necessary for the public convenience, and will be in the public interest, said board may by order grant a location for such line in the city or town with respect to which the application is made, and shall have and exercise relative thereto the same powers and authority conferred by section two of this act upon the mayor and aldermen or selectmen, and in addition to the provisions of law governing such company may impose such other terms, limitations and restrictions as the public interest may in its judgment require. Said board shall cause an attested copy of its order, with the certificate of its clerk, endorsed thereon, that the order was adopted after due notice and a public hearing as hereinbefore prescribed, to be forwarded to the clerk of the city or of the town, as the case may be, and the clerk of the city or of the town shall record the same and shall furnish attested copies thereof upon the terms and in the manner specified in section two of this act.

Hearing to
be given.

Copy of
order to be
forwarded
to clerks of
cities or
towns.

SECTION 9. This act shall take effect upon its passage.

Approved June 2, 1911.

Chap.510 AN ACT TO AUTHORIZE THE CONSTRUCTION AND MAINTENANCE OF TWO BRIDGES ACROSS HERRING RIVER IN THE TOWN OF HARWICH.

Be it enacted, etc., as follows:

Construction of bridges over Herring river.

SECTION 1. The county commissioners of the county of Barnstable, or the town of Harwich, may build and maintain a bridge, without a draw, across Herring river in the town of Harwich, in the same location now occupied by Herring River Lower bridge, so-called, near the residence of Thomas L. Snow.

A certain bridge may be constructed without a draw.

SECTION 2. The said county commissioners, or the town of Harwich, may also build and maintain a bridge, without a draw, across Herring river in the town of Harwich, on the upper county road, in the location of the Job Chase bridge, so-called, near the residence formerly of Caleb Chase.

Certain acts ratified.

SECTION 3. All acts of the town of Harwich heretofore done in the building and maintaining of a bridge without a draw at the said Job Chase bridge location are hereby ratified and confirmed.

Certain provisions to apply.

SECTION 4. This act shall be subject to the provisions of chapter ninety-six of the Revised Laws.

SECTION 5. This act shall take effect upon its passage.

Approved June 2, 1911.

Chap.511 AN ACT TO PROVIDE FOR REPAYING TO THE TOWN OF AMESBURY THE SUM PAID BY IT TOWARD THE REBUILDING OF THE FENDER PIER OF THE ESSEX MERRIMAC BRIDGE.

Be it enacted, etc., as follows:

The town of Amesbury to be reimbursed for a certain expenditure.

SECTION 1. The county of Essex is hereby authorized to pay to the town of Amesbury the sum of six thousand fifty-two dollars and twenty-two cents, being the amount paid by the said town into the treasury of the county of Essex as its share of the cost of rebuilding the fender pier of the Essex Merrimac bridge, under the provisions of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and seven.

County of Essex may issue notes, etc.

SECTION 2. For the purpose of paying the aforesaid amount the county of Essex is hereby authorized to issue notes or bonds to the said amount payable within twelve months from the date thereof.

SECTION 3. This act shall take effect upon its passage.

Approved June 2, 1911.

AN ACT TO PROVIDE FOR AN OUTLET FOR THE SEWAGE OF THE CITIES OF EVERETT AND MALDEN INTO THE NORTH METROPOLITAN SEWERAGE SYSTEM. Chap. 512

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board may, in order to provide an additional outlet for the sewage of the cities of Malden and Everett, acting in behalf of the commonwealth, take, or acquire by purchase or otherwise, the existing sewer belonging to the city of Malden from a point at or near the corner of Eastern avenue and Bryant street in said city and running northerly through Eastern avenue to a point at or near the middle of Broadway; and the said board is hereby authorized to pay to the city of Malden the actual cost of the construction of the portion of the sewer so taken. The said portion of the sewer when so taken shall become a part of the north metropolitan system of sewers. Upon acquiring the portion of the sewer in Eastern avenue as aforesaid the said board shall proceed to construct a sewer extending from said sewer through Broadway to a point at or near the boundary line between the cities of Malden and Everett, and the sewer so constructed shall become a part of the north metropolitan system. The city of Everett may, under the direction of said board, connect its local system of sewers with the said metropolitan sewer in Broadway. The city of Malden may, under the direction of said board, connect its local system of sewers with the said metropolitan sewers in Broadway and Eastern avenue and may also, subject to such direction, make and maintain house connections with the said sewer. The city of Malden is hereby authorized and empowered to make, levy and collect for its own benefit assessments of annual rates, or sums in lieu thereof, for said sewers in Broadway and Eastern avenue in the same manner in which sewer assessments are now made, levied and collected for its local sewers.

Additional outlet for the sewage of the cities of Everett and Malden.

SECTION 2. For the purpose of taking and constructing said metropolitan sewers in Eastern avenue and Broadway and for the operation and maintenance thereof, the said board, acting in behalf of the commonwealth, shall have and exercise all the authority conferred upon it by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and all acts in amendment thereof and in addition thereto, and all the provisions of said acts are

Powers of the metropolitan water and sewerage board.

made applicable to the taking, construction, maintenance and operation of said sewers except as is otherwise provided herein.

The treasurer and receiver general may issue bonds, etc.

SECTION 3. To meet the expenses incurred under the provisions of this act the treasurer and receiver general shall, from time to time, issue in the name and behalf of the commonwealth and under its seal bonds designated on the face thereof, Metropolitan Sewerage Loan, for a term not exceeding thirty years, to an amount not exceeding sixty-two thousand dollars, in addition to the amount of such bonds heretofore authorized for the construction of the north metropolitan sewerage works. The provisions of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and of chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-eight and all acts in amendment thereof and in addition thereto shall, so far as they may be applicable, apply to the indebtedness authorized by this act.

Assessments.

SECTION 4. The treasurer and receiver general shall in addition to levying the assessments now required by law to meet the interest and sinking fund requirements of the north metropolitan system, assess annually upon the cities of Malden and Everett, in equal shares, such sums as may be necessary to satisfy the interest and sinking fund requirements of the bonds issued under the provisions of this act.

Repeal.

SECTION 5. Chapter five hundred and forty-seven of the acts of the year nineteen hundred and ten is hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved June 2, 1911.

Chap. 513 AN ACT MAKING AN APPROPRIATION TO PAY FOR LAND TAKEN
FOR THE BOSTON STATE HOSPITAL.

Be it enacted, etc., as follows:

Appropriation for land taken for the Boston state hospital.

SECTION 1. A sum not exceeding two hundred and fifty thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, to be expended under the direction of the state board of insanity in payment for land taken by right of eminent domain for the use of the Boston state hospital, as authorized by chapter sixty-five of the resolves of the present year.

SECTION 2. This act shall take effect upon its passage.

Approved June 2, 1911.

AN ACT RELATIVE TO THE USE OF MOTOR VEHICLES BY OFFICERS AND SOLDIERS OF THE MILITIA AUTHORIZED TO BE MOUNTED. Chap.514

Be it enacted, etc., as follows:

SECTION 1. There may be allowed, upon approval of the adjutant general, for motor vehicles actually used in lieu of horses, to each officer and soldier authorized to be mounted, but using such vehicle in lieu of a horse, a sum not exceeding four dollars per day: *provided, however*, that the commonwealth shall not be liable for any injury to or depreciation of motor vehicles so used, or for any damage to persons or property resulting from such use. Use of motor vehicles by the militia.
Proviso.

SECTION 2. This act shall take effect upon its passage.
Approved June 2, 1911.

AN ACT TO AUTHORIZE THE TOWN OF ESSEX TO PURCHASE A RELEASE OF LAND HELD BY THE FEOFFEEES OF THE GRAMMAR SCHOOL IN THE TOWN OF IPSWICH. Chap.515

Be it enacted, etc., as follows:

SECTION 1. The town of Essex is hereby authorized to raise by taxation and to pay a sum of money not exceeding five hundred dollars for the purchase from the Feoffees of the Grammar School in the Town of Ipswich of a release and discharge of the lease called The Grammar School Farm Lease, in order that the town of Essex may have a clear title to certain land in the town owned by the town and subject to the said lease; this being the same right or interest in land which the said feoffees were authorized to sell and convey by chapter five hundred and six of the acts of the year nineteen hundred and six. The town of Essex may purchase the release of certain land in Ipswich.

SECTION 2. This act shall take effect upon its passage.
Approved June 2, 1911.

AN ACT RELATIVE TO THE MUNICIPAL LIGHTING PLANTS OF THE TOWNS OF READING AND WAKEFIELD. Chap.516

Be it enacted, etc., as follows:

SECTION 1. The towns of Reading and Wakefield may sell electricity to each other, and, if the town of Reading acquires a plant for the manufacture or distribution of gas, said towns may sell gas to each other. Sale of electricity by certain towns.

Construction
and main-
tenance of
mains, etc.

SECTION 2. The town of Wakefield may, if authorized by vote of the town of Reading, construct and maintain in the town of Reading pipes for the distribution and sale of gas and lines for the distribution and sale of electricity to the inhabitants thereof and to said town for municipal use; and the town of Reading may, if authorized by vote of the town of Wakefield, construct and maintain in the town of Wakefield lines for the distribution and sale of electricity to the inhabitants thereof and to said town for municipal use; but no expenditure for such purpose shall be made by either of said towns unless the same shall have been authorized by vote of two thirds of the voters taken by ballot with the use of the voting list at each of two town meetings called for the purpose and held at intervals of not less than two nor more than thirteen months. The said towns shall have with respect to the distribution and sale of gas or electricity beyond their respective boundaries the same rights and privileges and be subject to the same duties, limitations and obligations as they now or may hereafter have or be subject to with respect to the distribution and sale of gas or electricity within their own limits.

Digging up,
etc., of
ground in
streets, etc.

SECTION 3. The town of Wakefield may, with the consent in writing of the selectmen of Reading, dig up and open the ground in any of the streets, lanes and highways of Reading so far as may be necessary to construct and maintain pipes for the distribution and sale of gas under the authority of section two; and shall have the same duties and liabilities and be subject to the same regulations, restrictions and control with respect thereto as apply to gas companies.

Construction
and main-
tenance of
lines for
distributing
electricity.

SECTION 4. Either of said towns, which has been authorized so to do under the provisions of section two, may construct and maintain lines for the distribution and sale of electricity upon, along, under or across public ways in the other town: *provided*, that it shall first obtain from the selectmen of such other town locations for said lines in the same manner as is required by law of companies incorporated for the transmission of electricity for light, heat or power.

Proviso.

The town of
Reading may
acquire a
plant, etc.

SECTION 5. If the town of Reading shall hereafter acquire a plant for the manufacture or distribution of gas, or if its selectmen shall hereafter consent to the digging up and opening its streets, lanes and highways for the purpose of laying gas pipes therein by a gas company or other person not now engaged actively in the business of manufacturing or selling

gas therein, it shall under the provisions of sections ten, eleven and twelve of chapter thirty-four of the Revised Laws and of all acts in amendment thereof or in addition thereto, purchase the plant and property within its limits owned by the town of Wakefield and used for the distribution and sale of gas in like manner as if the same were the plant and property of a private person, firm or corporation: *provided, however,* that the town of Wakefield shall have no right to refuse to sell its plant and property within the limits of the town of Reading, but shall sell and convey the same to said town of Reading within the time and in the manner prescribed by law for the sale to a municipality of gas plants privately owned, and thereupon the right of the town of Wakefield to maintain a gas plant or to sell gas within the limits of the town of Reading shall cease. Proviso.

SECTION 6. Either of said towns may extend its own lines for the distribution and sale of electricity to its inhabitants and to itself for municipal use throughout its own territory notwithstanding that the other of said towns has constructed and is maintaining therein lines for said purposes under the authority of this act; but if one of said towns shall undertake to supply such of its inhabitants, public buildings and street lights as it had the right to do under the provisions of sections ten, eleven and twelve of chapter thirty-four of the Revised Laws and of all acts in amendment thereof or in addition thereto, it shall purchase the electric light plant and property within its limits of the latter town in like manner as if the same were the plant and property of a private person, firm or corporation: *provided,* that the latter town shall have no right to refuse to sell its plant and property within the limits of the former but shall forthwith sell and convey the same to the former town in the manner prescribed by law for the sale to a municipality of electric light plants privately owned, and thereupon the right of the latter town to maintain its lines and to distribute and sell electricity within the limits of the former shall cease. Extension of lines, etc.

SECTION 7. The said towns may in the exercise of the authority conferred by this act make such contracts with each other, not inconsistent with this act or with other provisions of law, as they may deem necessary and proper. Proviso.

SECTION 8. This act shall take effect upon its passage.

Approved June 2, 1911.

The towns may make contracts with each other.

Chap.517 AN ACT RELATIVE TO POLLING PLACES FOR CAUCUSES.*Be it enacted, etc., as follows:*1907, 560,
§ 117,
amended.Polling
places for
caucuses.

Section one hundred and seventeen of chapter five hundred and sixty of the acts of the year nineteen hundred and seven is hereby amended by inserting after the word "precincts", in the eleventh line, the words: — as the city or town committee shall designate, but not less than one for each ward, — and by inserting after the word "elections", in the thirteenth line, the words: — also postage for mailing credentials and notices or certificates of nomination and election, — so as to read as follows: — *Section 117.* At least two weeks prior to the day named for a caucus, the chairman or secretary of the city or town committee shall give notice of such date to the aldermen or to the selectmen, or in Boston to the election commissioners, who shall, at least ten days prior to such date, notify the city or town committee of the places selected for holding the caucuses, and shall, at the expense of the city or town, provide polling places, in a city not less than one for each ward, and in cities and towns where elections or caucuses are held in voting precincts, one in each of such precincts as the city or town committee shall designate, but not less than one for each ward, and furnish them with booths, registering ballot boxes, guard rails and the like, as they are arranged for state elections, also postage for mailing credentials and notices or certificates of nomination and election.

Voting may
proceed in
two or more
lines.

If twenty-five voters of a ward or of a town shall request in writing at least twelve days before any caucus of the political party to which they belong, the aldermen or selectmen shall so arrange the polling place of such ward or town as to allow voting to proceed in two or more lines at the caucus.

*Approved June 2, 1911.***Chap.518** AN ACT RELATIVE TO THE APPOINTMENT OF CAUCUS OFFICERS.*Be it enacted, etc., as follows:*1907, 560,
§ 143,
amended.

Section one hundred and forty-three of chapter five hundred and sixty of the acts of the year nineteen hundred and seven is hereby amended by adding at the end thereof the words: — Where additional polling places are provided, after the election of caucus officers, officers to act in such polling places shall be appointed by the city committee, — so as to

read as follows:— *Section 143.* In a newly incorporated city, or upon a re-division into wards of a city to which the said provisions apply, the caucus officers to serve in the first caucuses held in the next succeeding year shall be appointed by the city committee; and at such caucuses the regular caucus officers shall be chosen. Where additional polling places are provided, after the election of caucus officers, officers to act in such polling places shall be appointed by the city committee.

Appointment
of caucus
officers.

Approved June 2, 1911.

AN ACT MAKING AN APPROPRIATION FOR THE SUPPRESSION OF THE GYPSY AND BROWN TAIL MOTHS. *Chap.519*

Be it enacted, etc., as follows:

SECTION 1. The sum of one hundred and fifty thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the suppression of gypsy and brown tail moths, and for expenses incidental thereto, as authorized by chapter four hundred and fifty-two of the acts of the year nineteen hundred and nine.

Suppression
of the gypsy
and brown
tail moths.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1911.

AN ACT MAKING APPROPRIATIONS FOR CERTAIN EXPENSES OF THE TRUSTEES OF THE LYMAN AND INDUSTRIAL SCHOOLS. *Chap.520*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit:—

Appropriations.

For travelling and other expenses of the trustees of the Lyman and industrial schools, to include the printing and binding of their annual report, a sum not exceeding twelve hundred dollars.

Trustees of
the Lyman
and industrial
schools,
expenses.

For salaries and expenses of such agents as the trustees of the Lyman and industrial schools may employ, a sum not exceeding eleven thousand nine hundred dollars.

Salaries, etc.,
of agents.

For expenses in connection with boarding out children from the Lyman school for boys, for the present year and for previous years, a sum not exceeding ten thousand dollars.

Boarding out
children.

Care of probationers.

For expenses in connection with the care of probationers from the state industrial school, to include boarding out and other expenses of girls on probation, for the present year and for previous years, a sum not exceeding sixteen thousand dollars.

Instruction in public schools.

For instruction in the public schools of children boarded out or bound out by the trustees of the Lyman and industrial schools, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1911.

Chap.521 AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE LYMAN SCHOOL FOR BOYS.

Be it enacted, etc., as follows:

Lyman school for boys.

SECTION 1. A sum not exceeding one hundred and seven thousand eight hundred dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the maintenance of the Lyman school for boys, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1911.

Chap.522 AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE INDUSTRIAL SCHOOL FOR BOYS.

Be it enacted, etc., as follows:

Industrial school for boys.

SECTION 1. A sum not exceeding forty-eight thousand one hundred and fifty dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the maintenance of the industrial school for boys, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1911.

Chap.523 AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Be it enacted, etc., as follows:

State industrial school for girls.

SECTION 1. A sum not exceeding seventy-three thousand five hundred dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary

revenue, for the maintenance of the state industrial school for girls, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven.

SECTION 2. This act shall take effect upon its passage.

Approved June 3, 1911.

AN ACT TO AUTHORIZE THE OLD COLONY RAILROAD COMPANY *Chap.524*
TO CONSTRUCT AND MAINTAIN AN EXTENSION OF ITS SHAWMUT BRANCH FROM MATTAPAN IN THE CITY OF BOSTON TO A POINT ON THE MIDLAND DIVISION OF THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

Be it enacted, etc., as follows:

SECTION 1. The Old Colony Railroad Company, New York, New Haven and Hartford Railroad Company, lessee, is hereby authorized to construct and maintain an extension of the Shawmut branch from its present terminus in Mattapan, in the city of Boston, to a junction with the Midland division of the New York, New Haven and Hartford Railroad Company at or near Rugby station, so-called.

Extension of the Old Colony railroad.

SECTION 2. The said extension shall pass under all existing highways in a manner satisfactory to the board of railroad commissioners, and shall in other respects be subject to the provisions of section one hundred and twenty-six of Part II of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, and acts in addition thereto and in amendment thereof.

May pass under existing highways, etc.

SECTION 3. This act shall take effect upon its passage.

Approved June 5, 1911.

AN ACT TO INCORPORATE THE TEWKSBURY WATER COMPANY. *Chap.525*

Be it enacted, etc., as follows:

SECTION 1. Herbert M. Larrabee, Carey C. Waterman, Enoch Foster, Herbert W. Pillsbury and H. Louis Farmer, their associates and successors, are hereby made a corporation by the name of the Tewksbury Water Company, for the purpose of supplying the inhabitants of the town of Tewksbury, or any part thereof, with water for domestic, manufacturing, and other purposes, including the extinguishment of fires; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

Tewksbury Water Company incorporated.

May acquire certain waters, water rights, etc.

Proviso.

May construct and maintain aqueducts, etc.

Description of lands taken, etc.,

SECTION 2. Said company, for the purposes aforesaid, may lease, take or acquire by purchase or otherwise, and hold and convey the waters, or so much thereof as may be necessary, of any ponds, springs, streams, wells or any filter galleries or wells that may be constructed upon the shore of any pond, or near any spring or stream within the limits of said town, together with any water rights connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect on the land thus taken or held proper dams, buildings, standpipes, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances, and may do such other things, as may be necessary for the establishment and maintenance of complete and effective water works: *provided, however*, that no source of water supply for domestic purposes or lands necessary for preserving the quality of such water shall be acquired under this act without the consent of the state board of health, and that the location of all dams, reservoirs, wells or other works for collecting or storing water shall be subject to the approval of the said board.

SECTION 3. Said company, for the purposes aforesaid, may construct, lay and maintain aqueducts, conduits, pipes and other works, under or over any land, water courses, canals, dams, railroads, railways and public or other ways, and along any highway or other way in the town of Tewksbury, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining and repairing such aqueducts, conduits, pipes and other works, and for all purposes of this act said company may dig up, raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel; but all things done upon any such ways shall be subject to the direction and approval of the selectmen of said town. Said company shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with the company, or, in case of failure so to agree, as may be approved by the board of railroad commissioners.

SECTION 4. Said company shall, within sixty days after voting to take any lands, rights of way, water rights, water

sources or easements as aforesaid, otherwise than by purchase or lease, file and cause to be recorded in the registry of deeds for the northern district of the county of Middlesex a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the company. The recording shall operate as a taking of the real estate and rights and easements therein described.

to be re-
corded, etc.

SECTION 5. Said company shall pay all damages to property sustained by any person, firm or corporation by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said company under authority of this act. Any person, firm or corporation sustaining damages as aforesaid, and failing to agree with said company as to the amount thereof, may have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within two years after the taking of such land or other property or the doing of any other injury under authority of this act; but no such application shall be made after the expiration of the said two years. No application for the assessment of damages shall be made for the taking of any water, water right or water source, or for any injury thereto, until the water is actually withdrawn or diverted under authority of this act. Said company may by vote, from time to time, determine what amount or quantity of water it proposes to take under this act; in which case any damages caused by such taking shall be based upon the said amount or quantity until the same shall be increased by vote or otherwise, and in that event the company shall be liable further only for the additional damages caused by such additional taking.

Damages,
etc.

SECTION 6. Said company may distribute water through the town of Tewksbury or any part thereof, may regulate the use of the same, and may establish from time to time the rates for the use of water, and may collect the same; and may make such contracts with the said town or with any fire district now or hereafter established therein, or with any individual or corporation, to supply water for the extinguishing of fires, or for other purposes, as may be agreed upon.

Distribution
of water,
etc.

SECTION 7. Said company may, for the purposes set forth in this act, hold real estate not exceeding in value ten thousand dollars, and the capital stock of said company

Real estate
and capital
stock.

shall not exceed fifteen thousand dollars, to be divided into shares of one hundred dollars each.

Certificate
of payment
of capital
stock to be
filed.

SECTION 8. Immediately after the payment of the capital stock of said company a certificate of that fact and of the manner in which the same has been paid in, and, at the time of making the certificate, has been invested, signed and sworn to by the president, treasurer and a majority at least of the directors, and approved by the commissioner of corporations, shall be filed in the office of the secretary of the commonwealth. A conveyance to the company of property, real or personal, at a fair valuation, shall be deemed a sufficient paying in of the capital stock to the extent of such value, if a statement is included in the certificate, made, signed and sworn to by its president, treasurer and a majority of its directors, giving a description of such property and the value at which it was taken in payment, in such detail as the commissioner of corporations shall require or approve, and endorsed with his certificate that he is satisfied that said valuation is fair and reasonable.

May issue
bonds, etc.

SECTION 9. Said company may issue bonds, and may secure the same by a mortgage of its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall be expended only in the extension of the works of the company, and in payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

Issue of
capital stock,
etc.

SECTION 10. The capital stock and bonds hereinbefore authorized shall be issued only in such amounts as may from time to time, upon investigation by the commissioner of corporations, be deemed by him to be reasonably requisite for the purposes for which such issue of stock or bonds is authorized. His decision approving the issue shall specify the respective amounts of stock and bonds authorized to be issued, and the purposes to which the proceeds are to be applied. A certificate setting forth his decision shall be filed in the office of the secretary of the commonwealth before the certificates of stock or the bonds are issued, and the proceeds of such stock or bonds shall not be applied to any purpose not specified in the said decision.

Penalty for
polluting,
etc., water.

SECTION 11. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by said company under authority of this act, shall for-

feit and pay to said company three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon being convicted of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in jail for a term not exceeding one year.

SECTION 12. The town of Tewksbury shall have the right, at any time during the continuance of the charter hereby granted, to acquire by purchase or by exercise of the right of eminent domain, the franchise, property and all rights and privileges of said company, on payment to the company of the actual cost of its franchise, works and property of every kind held under the provisions of this act; and unless the dividends earned and declared by said company on its stock shall have been equal to or in excess of five per cent per annum, there shall be added to the cost of the works such a sum as would make the net returns to the stockholders five per cent per annum on the investment. The town, on taking as herein provided, the property of said company, shall assume all of its outstanding obligations incurred in the construction or improvement of the property, including bonds secured by mortgage issued under authority of this act; and the amount thus assumed shall be deducted from the total amount to be paid by said town to said company. The company shall furnish to the town of Tewksbury, under oath, an itemized statement of the actual cost of the water supply system authorized under this act, together with a copy of all contracts made in providing and constructing said water supply system and any extension thereof, and shall furnish to said town annually in the month of January an itemized statement, under oath, of its receipts and expenditures, which statement shall be submitted by the selectmen to the citizens of the town at the annual town meeting. This authority to take said franchise and property is granted on condition that the same is assented to by said town by a two thirds vote of the voters present and voting thereon at a meeting legally called for that purpose; and the taking, if by exercise of the right of eminent domain, shall be by filing in the registry of deeds for the northern district of the county of Middlesex, a declaration of the taking, which shall include a certified copy of the article in the warrant under which the town acted, and of the vote of the town thereon, showing that it was passed by a two thirds vote, as herein required. In case the town and the company shall be unable to agree

The town of
Tewksbury
may take
franchise,
etc.

upon the actual cost of the property, the supreme judicial court shall, upon application of either party and notice to the other, appoint three commissioners who shall determine the actual cost of the property, and whose award, when accepted by the court, shall be final. Interest at the rate of six per cent shall be included in the award from the date of the taking or purchase.

Tewksbury
Water Loan.

SECTION 13. Said town may, for the purpose of paying the cost of said franchise and corporate property, and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding forty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Tewksbury Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding five per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, upon such terms and conditions as it may deem proper, but they shall not be sold for less than their par value. Said town shall pay the interest upon said loan as it accrues, and shall, at the time of authorizing the loan, provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of the bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by the town, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of the town annually thereafter, in the same manner in which other taxes are assessed, until the debt incurred by said loan is extinguished.

Payment of
interest on
loan.

Water com-
missioners,
election,
terms, etc.

SECTION 14. Said town shall, after acquiring said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and

at every annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act and not otherwise specifically provided for shall be vested in said water commissioners, who shall be subject however to such instructions, rules and regulations as the town may impose by its vote. A majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board for any cause may be filled for the remainder of the unexpired term by the town, at any legal town meeting called for the purpose. Any such vacancy may be filled temporarily by a majority vote of the selectmen, and the person so appointed shall hold office until the town fills the vacancy in the manner provided for herein.

Quorum.

SECTION 15. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds, notes or scrip issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges it shall be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new construction, the water rates shall be reduced proportionately. No money shall be expended in new construction by the water commissioners except from the net surplus aforesaid, unless the town appropriates and provides money therefor. Said commissioners shall annually, and as often as the town may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

Water rates, etc.

SECTION 16. Any fire district hereafter established within the town of Tewksbury for the purpose of supplying the inhabitants thereof with water for the extinguishment of fires and for domestic, manufacturing and other purposes, shall have all the rights and privileges herein granted to, and be subject to all the obligations, duties and liabilities herein imposed upon, said town.

Rights and privileges of fire district hereafter established.

SECTION 17. This act shall take effect upon its passage, but shall become void unless said water company shall have begun to distribute water through its pipes to consumers in said town within three years after the date of its passage.

Time of taking effect.

Approved June 6, 1911.

Chap.526 AN ACT TO PROVIDE FOR PUBLISHING IN THE SERIES OF PUBLIC DOCUMENTS CERTAIN STATEMENTS RELATIVE TO THE METROPOLITAN PARKS, SEWERAGE AND WATER DISTRICTS.

Be it enacted, etc., as follows:

Publication of certain statements in the series of public documents.

SECTION 1. The treasurer and receiver general shall annually, as soon after the prorogation of the general court as is practicable, cause to be published statements showing the assessments for interest, sinking funds and maintenance requirements due from cities and towns in the metropolitan sewerage systems, north and south, metropolitan parks and water districts; a statement showing the several classes of debts incurred for metropolitan district purposes, and the share of the cities and towns in the several districts as measured by the basis used in computing the assessments mentioned in the first statement; and such other statements, if any, as he may deem advisable.

Number to be printed, etc.

SECTION 2. Two thousand copies of the said statements shall be printed and numbered as one of the public document series. The expense of printing shall be apportioned and paid in equal parts from the maintenance funds of the sewerage systems, north and south, the parks system and water system.

Repeal.

SECTION 3. Chapter five hundred and seventeen of the acts of the year nineteen hundred and ten is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved June 6, 1911.

Chap.527 AN ACT RELATIVE TO THE RETIREMENT OF JUSTICES OF THE SUPERIOR COURT.

Be it enacted, etc., as follows:

Retirement of justices of the superior court.

SECTION 1. A justice of the superior court having attained the age of seventy years and having served in said court for at least ten consecutive years may retire from active service and shall thereafter perform service only with his own consent on the written request of the chief justice of the court. He shall during the remainder of his life receive an amount equal to three fourths of the salary which was by law payable to him at the time of his retirement. A

justice so retired shall not be counted in the number of justices provided by law for the superior court, but on his retirement another justice shall be appointed in his place.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.
Approved June 6, 1911.

AN ACT RELATIVE TO THE MAINTENANCE OF A PASSENGER STATION AT SOUTH WORCESTER JUNCTION IN THE CITY OF WORCESTER. Chap.528

Be it enacted, etc., as follows:

SECTION 1. The New York, New Haven and Hartford Railroad Company and the Boston and Albany Railroad Company shall maintain a union station, or separate stations, at or near South Worcester junction, so-called, unless the board of railroad commissioners shall, after a hearing, find that a decrease or discontinuance of facilities for passengers is necessitated by the relocation of the tracks in said locality under chapter three hundred and eighty-seven of the acts of the year nineteen hundred, and acts in amendment thereto; or unless the board, after a hearing, finds that public convenience and necessity do not require station facilities for passengers at this place.

Maintenance of a union passenger station at the South Worcester junction.

SECTION 2. This act shall take effect upon its passage.
Approved June 6, 1911.

AN ACT TO PROVIDE FOR AN INVESTIGATION AS TO THE FEASIBILITY AND PROBABLE COST OF TAKING LAKE QUINSIGAMOND AND ITS SHORES FOR A STATE RESERVATION. Chap.529

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall appoint three persons, residents of the county of Worcester, who shall investigate the feasibility of taking Lake Quinsigamond, so-called, in the city of Worcester and the town of Shrewsbury, with its shores and sufficient approaches thereto, and maintaining it as a city, county or state reservation. They shall report to the next general court, not later than January fifteenth, stating the probable cost of the said taking, and they may expend a sum not exceeding five hundred dollars in carrying out the provisions of this act.

Investigation as to the taking of Lake Quinsigamond as a reservation.

Expendi-
tures.

SECTION 2. The expenses hereunder shall be paid out of an appropriation for that purpose made by the county of Worcester.

SECTION 3. This act shall take effect upon its passage.
Approved June 6, 1911.

Chap.530 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY AN ANNUITY TO THE WIDOW OF PATRICK BURKE.

Be it enacted, etc., as follows:

The city of
Boston may
pay an
annuity to
the widow of
Patrick
Burke.

SECTION 1. The city of Boston may pay an annuity not exceeding three hundred dollars for a period not exceeding eight years to Hattie Burke, widow of Patrick Burke who was killed by being run over by a cart while in the service of the department of public works of that city on April fourteenth, nineteen hundred and eleven; but this annuity shall cease in case the widow shall remarry within the period aforesaid.

SECTION 2. This act shall take effect upon its passage.
Approved June 6, 1911.

Chap.531 AN ACT TO PROVIDE A NEW CHARTER FOR THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

RIGHTS AND POWERS OF THE CITY.

City of
Cambridge.

SECTION 1. The inhabitants of the city of Cambridge shall continue to be a body corporate and politic under the name of the City of Cambridge, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations provided for herein, or otherwise pertaining to said city as a municipal corporation.

ELECTIVE OFFICERS.

Elective
officers.

SECTION 2. The elective officers of the city shall consist of five supervisors, constituting the city council, and five members of the school committee, and no others.

Election of
supervisors.

SECTION 3. One of the supervisors shall be supervisor of administration and ex officio mayor; one shall be supervisor of finance; one shall be supervisor of health; one shall

be supervisor of public works; one shall be supervisor of public property. Each of these five supervisors shall be elected at large by the qualified voters of the whole city, and each shall have charge of the division of city affairs indicated by his official title, subject to the reservations of power and duty to the school committee elsewhere provided in this act.

SECTION 4. For the purpose of electing the members of the school committee, the city shall be divided into three districts. Division of city into districts.

Wards one, two and three shall constitute the first district; wards four, five, six and seven shall constitute the second district; wards eight, nine, ten and eleven shall constitute the third district.

The qualified voters of each district shall elect from among their number one member of the school committee; and the qualified voters of the whole city shall elect from among their number two members of the school committee.

At each regular election after the adoption of this act, the voters of the city and of the respective districts shall choose from among their number in place of those members of the school committee whose terms are about to expire an equal number of members, each to serve for three years.

SECTION 5. The terms of all elective officers shall commence at ten o'clock in the forenoon of the first Monday in January following their election, and shall be for three years each, and until ten o'clock in the forenoon of the first Monday in January following the election of their successors and until their successors shall qualify to act in their stead: *provided, however*, that the terms of office of the supervisor of health and of the supervisor of public works first elected under this act, shall be two years only, and the term of the supervisor of public property first so elected shall be one year only. Terms of office.

SECTION 6. The supervisor of administration shall receive an annual salary of five thousand dollars, payable in equal monthly instalments. Salaries.

The other four supervisors shall each receive an annual salary of four thousand dollars, payable in equal monthly instalments.

No elective officer shall receive any compensation for any service he may render the city during his term of office, other than that which is provided in this section.

Elective officers not eligible to other offices, etc.

No elective officer shall, during the term for which he was chosen, be eligible, either by appointment, or by election by the city council, or by the school committee, to any office other than that for which he was chosen, the salary of which is payable by the city, or shall during such term hold any such other office.

Vacancies.

SECTION 7. If for any reason whatsoever a vacancy occurs in the city council, whether as to the mayor or one or more of the other supervisors, the city council shall by its remaining members call a special city election to fill the vacancy or vacancies for the unexpired term or terms, respectively, and this shall be repeated from time to time as often as may be necessary, except that if such vacancy or vacancies occur less than four months prior to any city election, the vacancy or vacancies shall remain unfilled until the date of such election and the work may, at the discretion of the council, be apportioned by the council among the remaining supervisors without extra compensation.

Vacancy in school committee.

SECTION 8. If a vacancy occurs in the school committee for any reason whatsoever, the office shall remain vacant until the next municipal election, when it shall be filled for the unexpired term.

Failure to qualify, etc., to create a vacancy.

SECTION 9. A vacancy shall exist when an elective officer fails without good cause to qualify within thirty days after notice of his election, dies, resigns, removes from the city, absents himself continuously therefrom for three months, is convicted of a felony, or judicially declared a lunatic, except that the removal of a member of the school committee from one part of the city to another shall not create a vacancy in his office, neither shall a change of district boundaries.

THE CITY COUNCIL.

Powers of city council.

SECTION 10. The city council shall have and possess, and the city council and its members shall exercise all the legislative powers of the city, except as such powers are hereinafter reserved to the school committee and to the qualified voters of the city, and the city council and its members severally or collectively, as hereinafter provided, shall have, possess and shall, themselves or through such officers as they may elect or appoint, exercise all the other powers, rights and duties had, possessed, and exercised, immediately prior to the adoption of this act, by the mayor, board of aldermen, common council, the board of health, and all other

boards, commissions and committees of the city and their members, severally or collectively, except such as are herein conferred upon the school committee.

SECTION 11. The city council shall be the final judge of the election and qualification of all elective officers of the city, and shall determine its own rules of procedure except as otherwise herein specified. Qualifications for office.

SECTION 12. The city council shall prescribe the time and place of its meetings and the manner in which special meetings thereof may be called. The city clerk shall be the clerk of the city council, and shall sign and attest all measures passed by the city council: *provided*, that any supervisor may, in case of need, upon authorization by the city council, perform this duty. A majority of all the members shall constitute a quorum to do business, but a less number may adjourn. The city council shall sit with open doors at all legislative sessions, and shall keep a journal of its proceedings, which shall be a public record. Meetings, etc.

SECTION 13. The city council shall, at its first meeting under this act, or as soon as practicable thereafter, and as vacancies may thereafter occur, elect, by a majority vote of all the members of the city council, the following officers: a city treasurer and a city collector of taxes each for one year; a city clerk, city solicitor, and a city auditor, each for three years. Proviso.

In the same manner the city council shall elect three city assessors, one for three years, one for two years, and one for one year; and shall thereafter fill the place of each city assessor whose term expires by electing his successor for three years; or in case of a vacancy occurring before the expiration of the term of any city assessor, a person to serve until the expiration of such term. Officers to be chosen by the city council.

In the same manner the city council shall elect a registrar of voters for four years in place of each registrar whose term expires; or in case of a vacancy occurring before the expiration of the term of any registrar, a person to serve until the expiration of such term.

The city council shall also elect in similar manner any other officers necessary for the proper and efficient conduct of the affairs of the city, whose election by the city council shall be provided for by ordinance.

SECTION 14. The officers provided for in section thirteen of this act shall be subject to such regulations as the city council may adopt in so far as said regulations do not Regulations.

conflict with the duties of said officers as prescribed by law.

The compensation of these officers shall be fixed by the city council.

Compensation
not to be in-
creased, etc.

SECTION 15. No member of the city council shall be elected or appointed to any office, position, or employment, the compensation of which was increased or fixed by the city council while he was a member thereof, until after the expiration of one year from the date when he ceased to be such a member.

Legislative
sessions,
etc.

SECTION 16. (a) In legislative session, the city council shall act by ordinance, resolution, order or vote.

(b) The ayes and nays shall be taken upon the passage of all ordinances and resolutions, and entered upon the journal of its proceedings. Upon the request of any member, the ayes and nays shall be taken and recorded upon any order or vote. Every ordinance, resolution, order or vote passed by the city council shall, except as is provided in section twelve of this act, require on final passage the affirmative vote of a majority of all the members of the city council.

(c) No ordinance shall be passed finally on the date on which it is introduced, except in cases of special emergency, for the preservation of the public peace, health or safety.

(d) No ordinance shall be regarded an emergency measure unless the emergency is defined and declared in a preamble thereto separately voted on and receiving the affirmative vote of four members of the city council.

(e) No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege shall be passed as an emergency measure, and no such grant, renewal or extension shall be made otherwise than by ordinance.

Enacting
clause of
ordinances.

(f) The enacting clause of all ordinances passed by the city council shall be in these words: — Be it ordained by the city council of the city of Cambridge.

Proposed
ordinances
to be
published.

SECTION 17. Every proposed ordinance or loan order, except emergency measures as defined in section sixteen of this act, shall be published once in full in at least two newspapers of the city, or in any different or additional manner that may be provided by ordinance, at least ten days before its final passage. After such final passage, it shall, in the same manner as before, again be published once, as amended and completed, except in the case of an emergency ordinance which may be passed as hereinbefore provided, and which

shall take effect upon its passage and shall be so published at the earliest possible moment.

SECTION 18. No ordinance passed by the city council, except an emergency ordinance, shall take effect until twenty days after its final passage and subsequent publication.

Time of taking effect of ordinances.

SECTION 19. No ordinance or section thereof shall be amended or repealed except by an ordinance regularly adopted.

Amendments.

SCHOOL COMMITTEE.

SECTION 20. The school committee shall perform all such duties as the school committee in towns is required by law to perform. It shall have supervision and control of the public library, and shall have, possess and exercise all the powers, rights and duties had, possessed and exercised by the trustees of the public library immediately prior to the adoption of this act. It shall have supervision and control of all school buildings and grounds, of the buildings and grounds of the public library, and of the public playgrounds of the city. It shall have power to care for the health of all school children, and for that purpose to employ physicians and nurses and to provide such supplies as it may deem necessary. It shall have power to provide instruction and entertainment and to permit public meetings in the buildings and grounds under its control, outside of school hours, for adults as well as for children. It shall keep in repair and maintain the buildings and grounds under its control; but it shall not be required to restore any building under its control when damaged or destroyed by fire, explosion or other unavoidable casualty.

School committee, powers and duties, etc.

For the maintenance of the schools and the public library and for the carrying out of its other powers as above set forth, it may appropriate and expend, from the moneys raised by taxation, five dollars and seventy-five cents on each one thousand dollars of taxable property of the city, to be estimated by taking the average amount of taxable property during the three preceding years: *provided*, that not more than five dollars on each one thousand dollars of taxable property shall be expended for the maintenance of schools, and not more than seventy-five cents on each one thousand dollars of taxable property shall be expended for all purposes outside the powers of school committees in towns. It may in addition appropriate and expend in each of its departments any sums that may accrue as revenue

Appropriations for maintenance of schools, etc.

Proviso.

of that department, the income of funds held by the city for the benefit of the department, any sums that may be given for the use of the department, and any unexpended balance from a previous year of moneys appropriated for the department.

POWERS AND DUTIES OF THE MAYOR.

Powers and
duties of
mayor, etc.

SECTION 21. The mayor shall be the chief executive officer of the city, supervisor of administration and president of the city council, and shall preside at all meetings at which he is present. He shall also when present preside at all joint conventions of members of the city council and of the school committee.

(a) He shall see that the laws of the commonwealth, the provisions of this act, and the ordinances, resolutions, orders and regulations of the city are duly enforced.

(b) He shall sign all contracts, bonds or other instruments requiring the assent of the city, and shall take care that the provisions of the same are duly executed. All legal processes against the city shall be served upon the mayor or acting mayor.

(c) He shall have the right to vote on all questions coming before the city council, but shall have no power of veto.

(d) He shall have such other duties, rights and powers as may be provided by ordinance, not in conflict with this act.

(e) During the absence or inability of the mayor to act, the supervisor of finance shall, as acting mayor, assume the duties and exercise all the rights and powers of the mayor: *provided*, that, in the absence or inability so to act of the supervisor of finance the city council may select another from their number to perform the duties of acting mayor.

Proviso.

EXECUTIVE AND ADMINISTRATIVE DIVISIONS.

Executive
and admin-
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divisions of
the city gov-
ernment.

SECTION 22. The executive and administrative powers, authority and duties of the city, not expressly reserved to the school committee, shall be distributed among five divisions as follows:

- I. Administration.
- II. Finance.
- III. Health.
- IV. Public Works.
- V. Public Property.

The city council shall determine the policies to be pursued and the work to be undertaken in each division, but each supervisor shall have full power to carry out the policies or to have the work performed in his division as directed by the city council.

SECTION 23. The supervisor of administration shall be ex officio mayor and the chief executive officer of the city. He shall have supervision of the police and fire departments, of weights and measures, of any other city business not otherwise provided for in this act or by ordinance, and shall have the further powers and discharge the further duties elsewhere in this act assigned to him. His part of the city administration so far as it differs from that of the other supervisors shall be included under the designation of the division of administration.

Administra-
tion of the
city govern-
ment.

SECTION 24. The supervisor of finance shall have supervision over the estimates of the probable expenditures of the city government for each fiscal year; over the collection of all revenues of the city; over the several city sinking funds; over the purchase of all city supplies, except those purchased under the authority of the school committee; over all city printing; and in general over all financial affairs of the city for which provision is not otherwise made herein.

Finances,
etc.

SECTION 25. The supervisor of health shall have supervision over public health, city hospitals, care of the poor, including outside aid and the city home, soldiers' relief, military and state aid, inspection of milk and vinegar, inspection of animals, collection of garbage, and the work of the city physician.

Health
department.

SECTION 26. The supervisor of public works shall have supervision of streets, sidewalks, parks, street lighting, street watering, collection of ashes, public water supply, sewers, bridges, electrical affairs, inspection of wires, and engineering.

Public
works.

SECTION 27. The supervisor of public property shall have supervision of the inspection, construction and maintenance of public buildings, except the maintenance of school buildings and school grounds, of building laws and the inspection of buildings, and of cemeteries.

Public
property.

SECTION 28. All executive and administrative powers, authority and duties, not otherwise provided for in this act, may be assigned to a suitable division by the city council by ordinance, and changes in the assignments made

Administra-
tive powers.

in this act may be made by ordinance by the affirmative vote of four members of the city council, or by the people upon initiative petition as hereinafter provided.

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SECTION 29. Each supervisor shall, except as is otherwise provided in section thirteen of this act, appoint a qualified person to serve as the head of each of the departments within his division and may remove him at any time for cause stated in the order for removal. The employees in each department shall be appointed and removed by the head of that department. Nothing in this section shall in any way change the laws governing the civil service.

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SECTION 30. Each of said supervisors shall keep a record book in which shall be recorded a brief but clear and comprehensive record of all affairs of the division under his charge as soon as performed and shall quarterly render to the city council a full report of all operations of such division and shall annually, and oftener if required by the city council, make a synopsis thereof for publication. All such records shall be open for public inspection. The city council shall provide for the publication of such annual or other reports, and of such parts of the quarterly reports, or of such other information regarding city affairs as it may deem advisable.

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SECTION 31. The fiscal year of the city shall commence on the first Monday in April succeeding the general municipal election, and continue till the first Monday in April of the calendar year following.

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SECTION 32. On or before the first day of February of each year, the supervisors shall send to the supervisor of finance a careful, detailed estimate in writing of the appropriations required for the business and proper conduct of their respective divisions during the next ensuing fiscal year.

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SECTION 33. On or before the fifteenth day of February in each year, the supervisor of finance shall submit to the city council an estimate of the probable expenditure of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and maturing bonds of the outstanding indebtedness of the city, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from all other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the city.

The city council shall thereupon determine the sum to be raised by taxation and make the appropriations in detail for the next ensuing fiscal year.

SECTION 34. Every supervisor shall, before he enters upon the duties of his office, qualify by being sworn by a judge of a court of record in the commonwealth to the faithful performance of his duties.

Oath of office.

ELECTIONS.

SECTION 35. A municipal election shall be held in the city on the first Tuesday after the second Monday in December, nineteen hundred and eleven, and on the first Tuesday after the second Monday in December in every year thereafter, which shall be known as the general municipal election. All other municipal elections that may be held shall be known as special municipal elections.

Municipal election.

SECTION 36. The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as provided in this act and not otherwise.

Methods of nomination, etc.

SECTION 37. The name of the candidate shall be printed upon the ballot, when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Printing of names of candidates.

SECTION 38. The petition of nomination for each candidate shall be signed by not less than fifty qualified voters of the city either on individual certificates in form substantially as follows or on joint papers to the same purport:—

Petitions of nomination.

PETITION OF NOMINATION.

Individual Certificate.

Commonwealth of Massachusetts, County of Middlesex,
City of Cambridge, ss.

I do hereby join in a petition for the nomination of
whose residence is at No.
Street, Cambridge, for the office of
to be voted for at the municipal
election to be held in the city of Cambridge, on the
day of , 19 ; and I certify
that I am qualified to vote for a candidate for said office,
and am not at this time a signer of any other certificate

nominating any other candidate for the above named office;
that my residence is at No. _____ Street,
Cambridge.

(Signed)

Witness:

(Signed)

Residence of witness:

No. _____

Street, Cambridge.

The petition of nomination, of which this certificate forms
a part, shall, if found insufficient, be returned to
at No. _____

Street, Cambridge.

Forms to be
furnished.

SECTION 39. It shall be the duty of the city clerk to
furnish upon application, a reasonable number of forms of
such individual certificates, or joint nomination petitions,
and of acceptances of nomination.

Certificates.

SECTION 40. Each certificate shall be a separate paper.
All certificates shall be of uniform size as determined by the
city clerk. Each certificate shall contain the name and sig-
nature of one signer thereof and no more. Each certificate
shall contain the name of one candidate and no more. In case
a voter has signed two or more conflicting petitions only that
one of his conflicting signatures which was included in the
petition first presented to the city clerk, as provided in sec-
tion forty-one of this act, shall be valid. Each witness may
be any qualified voter of Cambridge except the candidate
named in the certificate.

Time of
presenting
petitions.

SECTION 41. Petitions of nomination shall be presented
to the city clerk not earlier than thirty nor later than twenty
days before the election. The city clerk shall endorse on
each petition the date upon which it was presented to him,
and by whom it was presented. All papers constituting a
petition of nomination shall be presented to the city clerk
at one time, except as is provided in section forty-two of
this act.

Examination
of petition.

SECTION 42. When a petition of nomination is presented
to the city clerk for filing, he shall forthwith examine the
same and ascertain whether it conforms to the provisions of
this act. If found not to conform thereto, he shall then
and there in writing on said petition state the reason why
such petition cannot be filed, and shall within three days
return the petition to the person named therein as the per-
son to whom it shall be returned. The petition may then be

amended and again, but not later than three days after said petition shall have been returned, presented to the city clerk, as in the first instance. The city clerk shall forthwith proceed to examine the amended petition as hereinbefore provided.

SECTION 43. If either the original or the amended petition of nomination be found sufficiently signed and witnessed as hereinbefore provided, the city clerk shall file the same forthwith: *provided*, that no petition, amended or otherwise, shall be presented later than twenty days before the election.

Filing of petition.

Proviso.

SECTION 44. Any person nominated under this article shall file his acceptance, his signature thereto witnessed by a qualified voter of Cambridge, with the city clerk not later than twenty days before the day of election, and in the absence of such acceptance the name of the candidate shall not appear on the ballot.

Acceptance.

SECTION 45. The acceptance mentioned in the preceding section shall be substantially in the following form:

Form of acceptance.

Commonwealth of Massachusetts, County of Middlesex, City of Cambridge, ss.

I _____ having heretofore been nominated for the office of _____ in the city of Cambridge, to be voted for at the municipal election to be held in said city on the _____ day of _____, 19____, do hereby accept the said nomination, and I hereby declare that I am a qualified voter of said city, that my residence is at No. _____ Street, Cambridge, and that I have not become, and am not a candidate for any other office to be voted for at said election.

Signed

Witness:

Signed

Residence of witness:

No. _____

Street, Cambridge.

SECTION 46. The city clerk shall preserve in his office for a period of four years from the time of the respective filing of the same, all petitions of nomination, and all certificates, acceptances, and memoranda belonging thereto, filed under this act, but shall thereafter destroy the same.

Petitions to be preserved.

SECTION 47. The city clerk shall, not later than the fifteenth day before every city election, certify the list of candidates, with their residences, whose names are entitled to

Certification of candidates.

appear on the ballot, as being the list of candidates nominated as required by this act, together with the offices for which they are respectively candidates at such election, designating whether such election is for a full or for an unexpired term; and he shall file in his office said certified list of names and offices, and he shall cause to be published before such election, in two successive issues of at least two newspapers of general circulation published in the city of Cambridge, or in any different or additional manner that may be provided by ordinance, an election notice which shall contain said certified list of names of candidates and offices to be filled, and the time and the places of holding such election.

Preparation,
etc., of
ballots.

SECTION 48. The city clerk shall cause ballots for each general and special municipal election to be prepared, printed, and authenticated as provided by the constitution and laws of the commonwealth, except as is otherwise required by this act. The ballots shall contain the full list and correct names of all the offices to be filled, and the names and residences, of all the candidates nominated respectively therefor.

Form of
ballots.

SECTION 49. Except that the crosses here shown shall be omitted, and that in place of the names and offices here shown shall be substituted the names and residences of the actual candidates and the offices for which they are respectively nominated, the ballots shall be in substantially the following form:

General (or special) municipal election, city of Cambridge.
(Inserting date thereof.)

Instructions.

Instructions. — To vote for any person, make a cross (X) in the square in the appropriate column according to your choice, at the right of the name voted for. Vote your first choice in the first column; vote your second choice in the second column; vote in the third column for all the other candidates whom you wish to support; vote only one first choice and only one second choice for any one office. Do not vote more than one choice for one person, as only one choice will count for any one candidate by this ballot.

If you wrongly mark, tear, or deface this ballot, return it, and obtain another.

	First Choice.	Second Choice.	Other Choices.
For Supervisor of Administration.			
Richard Roe,			×
James Hoe,	×		
John Doe,		×	
Henry Poe,			×
Louis Coe,			
For Supervisor of Finance.			
Frank Smith,	×		
Harry Jones,		×	
Fred Brown,			
For Supervisor of Health.			
Hiram Black,	×		
Robert White,			

SECTION 50. One space shall be left below the printed names of the candidates for each office to be voted for, wherein the voter may write the name and residence of any person for whom he may wish to vote.

Blank
spaces on
ballot.

SECTION 51. The names and residences of candidates for the same office shall be printed on the ballot in the order in which they may be drawn by the city clerk, whose duty it shall be to make such drawing and to give each candidate an opportunity to be present thereat personally or by one representative. Nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything indicating his views or opinions. There shall also appear on the ballot all questions required by law, or by this act, to be submitted to a vote of the qualified voters of the city.

Printing of
names of
candidates.

Sample
ballots.

SECTION 52. The city clerk shall, at least ten days before the election, cause to be printed a sufficient number of sample ballots, upon paper of different color but otherwise identical with the ballot to be used at the election, and shall distribute the same to registered voters at his office.

Counting of
ballots, etc.

SECTION 53. As soon as the polls are closed, the precinct officers shall immediately open the ballot boxes, take therefrom and count the ballots in public view, and enter the total number thereof on the tally sheet provided therefor by the city clerk. They shall also carefully enter the number of the first-choice, second-choice and other-choice votes for each candidate on said tally sheet and make return thereof to the city clerk as provided by law.

Only one vote shall be counted for any candidate on any one ballot, all but the highest of two or more choices on one ballot for one and the same candidate being void.

If two and not more choices for any one office are voted in the first-choice column on any one ballot, they shall both be counted as second-choices, and all other choices voted on that ballot for that office shall be counted as other-choices.

If three or more choices for any one office are voted in the first-choice column on any one ballot, all choices voted on that ballot for that office shall be counted as other-choices.

If two or more choices for any one office are voted in the second-choice column on any one ballot, they shall be counted as other-choices.

Except as hereinbefore provided all choices shall be counted as marked on the ballot.

The city clerk shall then determine the successful candidates as hereinafter provided in this section.

Person receiving a majority of first-choice votes to be elected.
Provisos.

The person receiving a majority, as hereinafter in this section defined, of first-choice votes cast at an election for any office shall be elected to that office: *provided*, that if no candidate shall receive such a majority of the first-choice votes for such office, then a canvass shall be made of the second-choice votes received by each candidate for the office; said second-choice votes shall then be added to the first-choice votes received by each candidate for the office, and the candidate receiving the largest number of said first-choice and second-choice votes combined, if such votes constitute a majority, shall be elected thereto; and *provided, further*, that if no candidate shall have such a majority after adding the first-choice and second-choice votes, then a canvass shall be made of the other-choice votes received

by each candidate for the office; said other-choice votes shall then be added to the first-choice and the second-choice votes received by each candidate for the office, and the candidate having the largest number of first-choice, second-choice and other-choice votes combined shall be elected to such office.

A tie between two or more candidates shall be decided in favor of the one having the largest number of first-choice votes. If all are equal in that respect, then the candidate having the largest number of second-choice votes shall be elected. If this will not decide, then the result shall be determined by lot under the direction of the city clerk.

Whenever the word "majority" is used in this section it shall mean more than one half of the total number of first-choice votes for the office in question cast at such election.

SECTION 54. To cover the cost of special municipal elections provided for in this act, the city council shall appropriate at the time of issuing the warrants for such elections such sums as are necessary, the same to be taken from any unexpended balances at the end of the fiscal year, or carried forward as a deficit to the next year and then cared for by a special appropriation.

Expense of
special
elections.

SECTION 55. The term "qualified voter", wherever it occurs in sections thirty-five to fifty-four, both inclusive, of this act, means a voter qualified by law and by section four of this act to vote for candidates for the office named in the petition of nomination or acceptance of nomination in which their names occur, except that witnesses may be residents of any part of the city.

Term
"qualified
voter"
defined.

RECALL OF ELECTIVE OFFICERS.

SECTION 56. Any holder of an elective office may be recalled and removed therefrom by the qualified voters of the city as herein provided.

Recall.

SECTION 57. Any qualified voter of the city may make and file with the city clerk an affidavit containing the name of the officer sought to be removed and a statement of the grounds of removal. The city clerk shall thereupon deliver to the voter making such affidavit, a sufficient number of copies of petition blanks for such recall and removal, printed forms of which he shall keep on hand. Such blanks shall be issued by the city clerk with his signature and official seal

Filing of
affidavit
concerning
recall.

thereto attached; they shall be dated and addressed to the city council, shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be removed, the office from which such removal is sought, the grounds of removal as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the city clerk. Said recall petition shall be returned and filed with said city clerk within thirty days after the filing of the affidavit. Said petition before being returned and filed, shall be signed by qualified voters equal in number to at least twenty-five per cent of the first-choice votes cast for all the candidates for the office from which it is sought to recall the incumbent at the next preceding election when said office was filled, and to every such signature shall be added the place of residence of the signer, giving the street and number. Such signatures need not all be on one paper. One of the signers of every such paper shall make an affidavit thereto that the statements therein contained are true, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All such papers for the recall of any one officer shall be fastened together and shall be filed as one instrument, with the endorsements thereon of the names and addresses of three persons designated as filing the same.

Examination
of petitions.

SECTION 58. Within ten days after the filing of said petition, the city clerk shall ascertain by examination thereof and of the registration books and election returns whether the petition is signed by the requisite number of qualified voters, and shall attach thereto his certificate showing the result of such examination. He shall, if necessary, be allowed extra help by the city council.

If his certificate shows the petition to be insufficient, he shall within said ten days so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended by the addition of signatures at any time within ten days after the giving of said notice by the city clerk. The city clerk shall, within ten days after such amendment, make like examination of the amended petition, and attach thereto his certificate of the result. If then insufficient, or if no amendment was made, he shall return the petition to one of the persons

designated thereon as filing it, without prejudice, however, to the filing of a new petition for the same purpose.

SECTION 59. If the petition or amended petition shall be found and certified by the city clerk to be sufficient, he shall submit the same with his certificate to the city council without delay, and the city council shall, if the officer sought to be removed does not resign within five days thereafter, thereupon, order an election to be held on a Tuesday fixed by it, not less than thirty nor more than forty-five days after the date of the city clerk's certificate that a sufficient petition is filed: *provided, however*, that if any other municipal election is to occur within sixty days after the date of said certificate, the city council may, in its discretion, postpone the holding of the removal election to the date of such other municipal election. If a vacancy occurs in said office after a removal election has so been ordered, the election shall nevertheless proceed as in this section provided.

Petition for recall to be submitted to the city council.

Proviso.

SECTION 60. Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the city clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for such removal election, and the conduct of the same, shall all be in accord with the provisions of this act, relating to elections.

Officer sought to be removed may be a candidate for re-election.

SECTION 61. The incumbent shall continue to perform the duties of his office until the removal election. If then re-elected, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section sixty-two of this act. If not re-elected in the removal election, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within ten days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

The incumbent to continue in office until, etc.

SECTION 62. No recall petition shall be filed against any officer within three months after his election, nor, in the case of an officer re-elected in a removal election, until three months after that election.

Time of filing petition for recall.

SECTION 63. No person who has been removed from an office by recall, or who has resigned from such office while recall proceedings were pending against him, shall be ap-

Officer removed not to again hold office until, etc.

pointed to any city office within two years after such removal by recall or such resignation.

Term
"qualified
voter"
defined.

SECTION 64. The term "qualified voter", wherever it occurs in sections fifty-six to sixty-three, both inclusive, of this act, means a voter qualified by law and by section four of this act to vote for candidates for the office from which a removal is sought.

INITIATIVE AND REFERENDUM.

Initiative
and refer-
endum.

SECTION 65. A petition, meeting the requirements hereinafter provided and requesting the city council to pass an ordinance, resolution, order or vote, or requesting the school committee to pass a resolution, order or vote, all of these four terms being hereinafter included in the term "measure", therein set forth or designated, shall be termed an initiative petition, and shall be acted upon as hereinafter provided.

Signatures
to petitions,
etc.

SECTION 66. Signatures to initiative petitions need not all be on one paper, but one of the signers of every such paper shall make an affidavit thereto that the statements therein contained are true, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All such papers pertaining to any one measure shall be fastened together and shall be filed in the office of the city clerk as one instrument, with the endorsements thereon of the names and addresses of three persons designated as filing the same. With each signature to said petition shall be stated the place of residence of the signer, giving the street and number.

Within five days after the filing of said petition the city clerk shall ascertain, by examination thereof and of the registration books and election returns, by what number of qualified voters the petition is signed and what percentage that number is of the last preceding vote cast in the city for all candidates for governor of the commonwealth, except as is provided in section seventy-seven of this act, and shall attach thereto his certificate showing the result of such examination.

He shall then forthwith transmit the measure with the said certificate to the city council or to the school committee, accordingly as the petition is addressed, and at the same time shall send a copy of said certificate to one or more of the persons designated on the petition as filing the same.

SECTION 67. If an initiative petition be signed by qualified voters equal in number, except as is provided in section seventy-seven of this act, to at least twenty-five per cent of the last preceding vote cast in the city for all candidates for governor of the commonwealth, the city council or the school committee shall within twenty days after the date of the city clerk's certificate to that effect, either —

Passing of
initiative
legislation.

(a) Pass said measure without alteration, subject to the referendum vote provided for by this act; or,

(b) The city council shall call a special election to be held on a Tuesday fixed by it not less than thirty nor more than forty-five days after the date of the city clerk's certificate that a sufficient petition has been filed, and shall submit the proposed measure without alteration to a vote of the qualified voters of the city at that election: *provided, however,* that if any municipal election is otherwise to occur within ninety days after the date of said certificate, the city council may at its discretion omit the special election and submit the proposed measure to the voters at such other previously pending election.

Special
election.

Proviso.

SECTION 68. If an initiative petition be signed by qualified voters equal in number, except as provided in section seventy-seven of this act, to at least five per cent, but less than twenty-five per cent of the last preceding vote cast in the city for all candidates for governor of the commonwealth, as shown in the manner hereinbefore provided, and said proposed measure be not passed without alteration by the city council or the school committee within twenty days, as provided in section sixty-seven of this act, then such proposed measure, without alteration, shall be submitted by the city council to a vote of the qualified voters of the city at the next municipal election.

Initiative
petitions to
be submitted
to voters,
in certain
cases.

SECTION 69. If, within twenty days after the final passage of any measure by the city council or by the school committee, a petition signed by qualified voters of the city equal in number, except as is provided in section seventy-seven of this act, to at least ten per cent of the last preceding vote cast in the city for all candidates for governor of the commonwealth, be presented to the city council or to the school committee, as the case may be, protesting against such measure or any part thereof taking effect, the same shall thereupon and thereby be suspended from taking effect; and the city council or the school committee, as the case may be, shall immediately reconsider such measure or part thereof,

Proceeding
in cases of
protest
against cer-
tain municipal
legislation.

and if such measure or part thereof be not entirely repealed or rescinded, the city council shall submit the same, by the method herein provided, to a vote of the qualified voters of the city, either at the next general municipal election, or at a special election which may, in their discretion, be called by them for that purpose, and such measure or part thereof shall forthwith become null and void unless a majority of the qualified voters voting on the same at such election shall vote in favor thereof.

The petition provided for in this section shall be termed a referendum petition.

The procedure in respect of such referendum petition shall be the same as that provided in section sixty-six of this act; except that the words "measure or part thereof protested against" shall for this purpose be understood to replace the word "measure" in that section wherever it may occur, and that similarly the word "referendum" shall be understood to replace the word "initiative" in that section.

Measures
proposed to
be submitted
to voters of
the city.

SECTION 70. The city council may, of its own motion, and shall, upon request of the school committee in case of a measure originating with that committee and pertaining to the affairs under its administration, submit to a vote of the qualified voters of the city for adoption or rejection at a general or special municipal election, any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as are herein provided for submission on petition.

Conflicting
measures.

SECTION 71. If two or more proposed measures, passed at the same election are in conflict in respect of any of their provisions, they shall go into effect in respect of such of their provisions as are not in conflict. In each case of conflicting provisions in such measures, that one of the provisions in conflict shall take effect which was contained in that one of such measures which received the greatest number of affirmative votes, and all others of such conflicting provisions shall be void.

Enacting
clause, etc.

SECTION 72. The enacting clause of any measure adopted by the qualified voters, upon proposal by initiative petition, shall be "Be it ordained by the people of the city of Cambridge"; and of any measure passed by the city council and approved upon referendum shall be "Be it ordained by the city council of the city of Cambridge and by the people thereof upon referendum"; and of any measure referred to the people by the city council of its own motion, or upon

request of the school committee as provided in section seventy of this act, shall be "Be it ordained by the people of the city of Cambridge upon referendum by the city council thereof": *provided*, that for the word "ordained" shall be substituted the word "resolved", or the word "ordered", respectively, if the measure is a resolution or an order; and for the words "Be it ordained" shall be substituted the word "Voted" if the measure is a vote. Proviso.

SECTION 73. The city clerk shall print and distribute to each voter a sample ballot together with the text of every measure to be submitted to a vote of the qualified voters of the city. Sample ballot.

SECTION 74. The ballots used when voting upon such proposed measure shall state the nature of the measure in terms sufficient to show the substance thereof. If a majority of the qualified voters voting on any proposed measure, which has duly been submitted to them as herein provided and which falls within the lawful rights and powers of the city, shall vote in favor thereof, the same shall thereupon go into effect. Ballots to state nature of the measure to be voted on, etc.

SECTION 75. Provision shall be made on each ballot for voting upon all proposed measures submitted at that election: *provided*, that no measures except those which fall entirely within the rights and powers of the school committee shall appear upon the ballots to be cast by women voters. Provisions to be made on each ballot for voting.
Proviso.

SECTION 76. Provisions not in conflict herewith shall be made by ordinance for supplying the voters with information and arguments *pro* and *con* upon measures submitted to a vote of the qualified voters of the city and for carrying out the purpose of sections sixty-five to seventy-seven, inclusive, of this act. Ordinances.

SECTION 77. For the purposes of this act, in case of proposed measures falling within the rights and powers of the school committee as herein set forth, the number herein specified as that to which shall be applied the percentages herein established for fixing the requisite number of signatures for initiative and referendum petitions shall be increased, before applying said percentages, by the number of votes cast by women for candidates for member at large of the school committee at the last election at which that office was filled. Number of signatures, etc.

SECTION 78. The term "qualified voter", wherever it occurs in sections sixty-five to seventy-seven, both inclusive, Term "qualified voter" defined.

of this act, means a voter qualified to vote for the elective officers within whose rights and powers the proposed measure would fall under this act.

GENERAL PROVISIONS.

Time of
filing peti-
tions for
submission
of act to the
voters, etc.

SECTION 79. Petitions, addressed to the secretary of the commonwealth and signed by qualified voters of the city, requesting that this act be submitted to the qualified voters of said city, may be filed in the office of the city clerk at any time on or before the second day of October in the year nineteen hundred and eleven. Each signer of any such petition shall add to his signature the name of the street in which he resides at the time of signing and the street number, if there be any. Within the five days next after said second day of October, the city clerk, with the assistance of the registrars of voters, shall examine the petitions so filed and shall ascertain the aggregate number of qualified voters of the city who have signed the same, and he shall forthwith present the same to the secretary of the commonwealth with the certificate of the city clerk setting forth the aggregate number of qualified voters of the city who have so signed. If it shall appear from said certificate that such aggregate number is at least one thousand, the secretary of the commonwealth shall submit the question of the adoption of this act to the voters of the city of Cambridge at the general state election in November, nineteen hundred and eleven. The vote shall be taken by ballot in answer to the question, "Shall an act passed by the general court in the year nineteen hundred and eleven, entitled, 'An Act to provide a new charter for the city of Cambridge', be accepted?" which shall be printed on the official ballot.

Question to
be printed
on ballot.

Time of
taking effect.

If this act shall be so accepted by a majority of the qualified voters voting thereon, it shall take effect, upon its acceptance, for the general municipal election to be held on the Tuesday next following the second Monday in December in the year nineteen hundred and eleven, and for all things that pertain to said election, and it shall go into full force and effect at ten o'clock in the forenoon of the first Monday in January, nineteen hundred and twelve, and the present form of government shall thereupon cease and terminate, except that the appointees of the mayor and city council and all other persons in the service of the city at that time shall continue to draw compensation at the same rate, and to

exercise like powers, authority and jurisdiction as theretofore, until replaced or until other provision is made: *provided* Proviso. that the terms of office of those members of the school committee in office when this act takes effect shall be extended to the first Monday in January next following the date when their terms would otherwise expire.

SECTION 80. It shall be the duty of the mayor, the aldermen and common council, and the city clerk in office when this act is accepted by the qualified voters as herein provided, to comply with all the requirements of this act relating to elections, to the end that all things may be done necessary for the nomination and election of the officers first to be elected under this act. Duties of mayor, etc., when act is accepted.

SECTION 81. All laws, ordinances, resolutions, orders, rules and regulations in force in the city of Cambridge at the time when this act takes effect, not inconsistent with its provisions, whether enacted by the authority of the city or by any other authority, shall continue in full force and effect until otherwise provided by law, ordinance, resolution, order or vote; all others are hereby repealed, but such repeal shall not revive any pre-existing enactment. Certain laws, ordinances, etc., to continue in force.

SECTION 82. All official bonds, recognizances, obligations, contracts and all other instruments entered into or executed by or to the city before this act takes effect, and all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the city, shall be enforced or collected, and all writs, prosecutions, actions and causes of action, except as is herein otherwise provided, shall continue without abatement and remain unaffected by this act; and no legal act done by or in favor of the city shall be rendered invalid by the adoption of this act. Bonds, recognizances, etc.

SECTION 83. The number of wards and the boundaries thereof as determined and defined in the year nineteen hundred and one shall be retained until the same shall be changed under the general law relating thereto. Number and boundaries of wards not to be changed.

SECTION 84. So much of this act as authorizes the submission of the question of its acceptance to the qualified voters of said city shall take effect upon its passage. Time of taking effect.

Approved June 7, 1911.

Chap. 532 AN ACT TO ESTABLISH A RETIREMENT SYSTEM FOR THE
EMPLOYEES OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Certain
terms and
words defined.

SECTION 1. In this act, unless the context otherwise requires: —

(a) The words “retirement system” mean the arrangements provided in this act for the payment of pensions.

(b) The word “annuities” means the payments for life derived from money contributed by the employees.

(c) The word “employee” means any person on the pay roll of the commonwealth, whether employed in the direct service of the commonwealth or in the metropolitan district service, who regularly gives his whole time to that service.

(d) The word “pensions” means the payments for life derived from money contributed by the commonwealth.

(e) The words “regular interest” mean interest at three per cent per annum compounded semi-annually on the last days of December and June, and reckoned for full three and six months’ periods only.

(f) The words “continuous service” mean uninterrupted employment, with these exceptions: a lay-off on account of illness or reduction of force, and a leave of absence, suspension or dismissal followed by reinstatement within one year. As to appointees of the sergeant-at-arms the interval between sessions of the general court shall not be considered as breaking the continuity of service.

ESTABLISHMENT OF RETIREMENT SYSTEM.

Retirement
system
established.

SECTION 2. The retirement system shall be established on the first day of January or the first day of July following the expiration of three months after the date on which this act takes effect.

THE RETIREMENT ASSOCIATION.

Organiza-
tion.

SECTION 3. A retirement association shall be organized among the employees of the commonwealth, including employees in the metropolitan district service, as follows:

(1) All employees of the commonwealth, on the date when the retirement system is established, may become members of the association. On the expiration of thirty days from said date every such employee shall be considered

to have elected to become, and shall thereby become, a Organization. member, unless he shall have within that period, sent notice in writing to the state insurance commissioner that he does not wish to join the association.

(2) All employees who enter the service of the commonwealth after the date when the retirement system is established, except persons who have already passed the age of fifty-five years, shall upon completing thirty days of service become thereby members of the association. Persons over fifty-five years of age who enter the service of the commonwealth after the establishment of the retirement system shall not be allowed to become members of the association, and no such employee shall remain in the service of the commonwealth after reaching the age of seventy years.

(3) No officer elected by popular vote may become a member of the association, nor any employee who is or will be entitled to a pension from the commonwealth for any reason other than membership in the association.

(4) Any member who reaches the age of sixty years and has been in the continuous service of the commonwealth for a period of fifteen years immediately preceding may retire or be retired by the board of retirement upon recommendation of the head of the department in which he is employed, and any member who reaches the age of seventy must so retire.

(5) Any member who has completed a period of thirty-five years of continuous service may retire, or may be retired at any age by the board of retirement upon recommendation of the head of the department in which he is employed, if such action be deemed advisable for the good of the service.

THE BOARD OF RETIREMENT.

SECTION 4. (1) The management of the retirement system is hereby vested in the board of retirement, consisting of three members, one of whom shall be the state treasurer; the second member shall be a member of the association elected by the latter within sixty days after the date on which the retirement system is established, in a manner to be determined by the state insurance commissioner; the third member shall be chosen by the other two members. In case of the failure of the latter to choose the third member within thirty days after the election of the second member,

Board of
retirement,
election,
terms, etc.

the governor shall appoint the third member. The first person so chosen or appointed as third member shall serve for two years; otherwise and thereafter the term of office of the two elected members shall be three years. On a vacancy occurring in the board for any cause or on the expiration of the term of office of any member, a successor of the person whose place has become vacant or whose term has expired shall be chosen in the same manner as his predecessor.

(2) The members of the board of retirement shall serve without compensation; but they shall be reimbursed out of the contingent fund for any expense or loss of salary or wages which they may incur through service on the board. All claims for reimbursement on this account shall be subject to the approval of the governor and council.

Control of the
funds of the
system.

Proviso.

(3) The state treasurer shall have charge and control of the funds of the system, subject to the approval of the board of retirement, and shall invest and reinvest the same, and may from time to time sell any securities held by him and invest and reinvest the proceeds, and any and all unappropriated income of said funds: *provided, however*, that all funds received by him, and not required for current disbursements, shall be invested in accordance with the provisions of the laws of this commonwealth relating to the investment of the funds of savings banks. He shall in the investment of the funds give preference to the securities of the commonwealth. He may, whenever he sells such securities, deliver the securities so sold upon receiving the proceeds thereof, and may execute any and all documents necessary to transfer the title thereto.

(4) The board of retirement shall have power to make by-laws and regulations not inconsistent with the provisions of this act, and to employ such clerical or other assistance as may be necessary for the fulfillment of its purposes, subject to the approval of the governor and council.

(5) The board shall determine the percentage of wages or salary that employees shall contribute to the pension fund, subject to the minimum and maximum percentages, and shall, furthermore, have the power to classify employees for the purposes of the retirement system and to establish different rates of contribution for different classes within the prescribed limits.

(6) The state treasurer shall, in January of each year, unless for cause the insurance commissioner shall have granted

an extension of time, file in the office of the insurance commissioner a sworn statement, which shall exhibit the financial condition of the retirement system on the thirty-first day of the preceding December, and its financial transactions for the year ending with said day. The said statement shall be in a form approved by the insurance commissioner, and shall show, among other things, the liability of the retirement system on account of the following items: —

A. Deposit Reserves.

The total of the deposits of the members actually received by the treasurer or due from the commonwealth under section five, (2) *A*, and held subject to withdrawal by such members.

Deposit reserves.

B. Interest Reserve.

Regular interest on such deposits.

Interest reserve.

C. Annuity Reserve.

The net value of the annuities entered upon under section six, (2) *B*, on the basis of the mortality tables and interest rates provided for in this act.

Annuity reserve.

D. Expense and Contingent Fund.

(a) The unexpended portion of the amounts received under section five, (1).

Expense and contingent fund.

(b) The contingent fund.

E. Gifts and Bequests.

The amounts received as gifts or bequests and held under the terms of such gifts or bequests.

Gifts and bequests.

F. Other Liabilities.

All other liabilities.

Other liabilities.

G. Surplus.

(a) *Annuity Surplus.* — The undistributed surplus arising from annuity deposits.

Surplus.

(b) *Other Surplus.* — All unassigned funds.

CREATION OF THE RETIREMENT FUND.

Creation of
the retire-
ment fund.

SECTION 5. The funds of the retirement system shall be raised as follows: —

(1) *Expense and Contingent Fund.*

Expense and
contingent
fund.

The general court shall appropriate annually such an amount as may be necessary to defray the whole expense of administration, according to estimates prepared by the treasurer.

(2) *Annuity and Pension Fund.*

Annuity
and pension
fund.

A. Deposits by Members. — Each member shall deposit in this fund from his salary or wages, as often as the same are payable, not less than one per cent and not more than five per cent of the amount of his wages or salary, as determined by the board of retirement under the provisions of section four (5): *provided, however*, that employees who receive more than thirty dollars weekly in salary or wages shall not be assessed for contribution to this fund on the excess above that amount.

B. Contributions of the Commonwealth. — (a) Each month the commonwealth shall contribute such amount as the board of retirement may determine to be necessary to pay current pensions for subsequent service, under section six (2) *C* (a).

(b) Each year, in January, the commonwealth shall contribute an amount equal to the surplus arising from annuity deposits. In case there should be a deficiency arising from such annuity deposits, instead of a surplus, then the commonwealth shall make good the deficiency.

(c) Each month the commonwealth shall contribute such amount as the board of retirement may determine to be necessary to pay current pensions for prior service under section six (2) *C* (b).

(d) Each month the commonwealth shall contribute such amount as the board of retirement may determine to be necessary to ensure the minimum payments provided for in section six, *E*.

(3) *Provision for Payments.*

Provision
for pay-
ments.

All amounts payable by members of the association under paragraph (2) *A* of this section shall be deducted by the commonwealth from the amounts payable to them as salary or wages, as often as the same are payable, and shall immediately be credited to the retirement fund by the state treasurer.

DISTRIBUTION OF FUNDS.

SECTION 6. The state treasurer shall administer the funds of the pension system in accordance with the following plan: —

(1) *Expense and Contingent Fund.*

The fund provided for by section five, (1), shall be used, so far as may be necessary, for the payment of the expenses of administration. The portions not so used, if any, shall be repaid into the treasury of the commonwealth. In case the amount appropriated for the expense of a contingent fund in any year should prove insufficient, the commonwealth shall appropriate in the following year such additional sum as may be required to cover the deficit.

Expense and
contingent
fund.

(2) *Annuity and Pension Funds.*

A. *Refunds.* — (a) Should a member of the association cease to be an employee of the commonwealth for any cause other than death before becoming entitled to a pension, there shall be refunded to him all the money paid in by him under section five, (2) A, with regular interest.

Annuity
and pension
funds.

(b) Should a member of the association die before becoming entitled to a pension, there shall be paid to his legal representatives all the money paid in by him under section five, (2) A, with such interest as shall have been earned on such deposits.

B. *Annuities from Employees' Deposits.* — Any member who reaches the age of sixty years and has been in the continuous service of the commonwealth for fifteen years immediately preceding, and then or thereafter retires or is retired, any member who retires or is retired at the age of seventy years, and any member who is retired for the good of the service under the provisions of section three, (5), shall receive an annuity to which the sum of his deposits under section five, (2), with regular interest, shall entitle him, according to the tables adopted by the board of retirement, in one of the following forms: —

Annuities
from
employees'
deposits.

(a) A life annuity, payable monthly.

(b) A life annuity, payable monthly, with the provision that in the event of the death of the annuitant before receiving payments equal to the sum, at the date of his retirement, of his deposits under section five, (2) A, with regular interest, the difference shall be paid to his legal representatives.

Pensions
derived from
contributions
by the com-
monwealth.

C. Pensions derived from Contributions by the Commonwealth. — (a) Pensions based upon subsequent service. Any member entitled to an annuity under paragraph (2) *B* of this section shall receive in addition thereto a pension for life payable monthly equivalent to that annuity, to be paid out of the fund contributed by the commonwealth under the provisions of section five, (2) *B* (a).

(b) Pensions based upon prior service. Any member of the association who reaches the age of sixty years, having been in the continuous service of the commonwealth for fifteen years or more immediately preceding, and then or thereafter retires or is retired, shall receive in addition to the annuity and pension provided for by paragraphs (2) *B* and *C* (a) of this section, an extra pension for life as large as the amount of the annuity to which he might have acquired a claim if the retirement system had been in operation at the time when he entered the service of the commonwealth, and if accordingly he had paid regular contributions from that date to the date of the establishment of the retirement association at the same rate as that first adopted by the board of retirement, and if such deductions had been accumulated with regular interest.

Any employee who had already reached the age of fifty-five years on the date when the retirement system was established, and also became a member of the association may be retired under the provisions of the preceding paragraph without having completed the otherwise required service period of fifteen years. For the purpose of computing any pension payable for prior service, the board of retirement may estimate on the basis determined by them the wages received at any period for which they may deem it impracticable to consult the original records.

Any employee not a member of the association who had already reached the age of fifty-five years on the date when the retirement system was established may be retired at any time and shall be paid a pension equivalent to the minimum payment hereinafter provided for.

D. Application of Surplus. — The board of retirement shall have power to determine the application of any surplus, as defined under section four (6) *G*, subject to the approval of the insurance commissioner.

E. Minimum and Maximum Payments. — In no case shall the total monthly payment to a member be at a rate less than two hundred dollars per year, or at a rate more

Application
of surplus.

Minimum and
maximum
payments.

than one half the amount of the average salary or wages received by the member during the ten years prior to his retirement.

F. Association Membership and Pension Certificate. — Association membership and pension certificate.
 Membership in the association shall be evidenced by a certificate to be issued to each member by the board of retirement, and the right to an annuity or a pension shall be evidenced by a policy to be issued to each member who retires or is retired by the board of retirement.

TAXATION, ATTACHMENTS AND ASSIGNMENTS.

SECTION 7. The funds of the retirement system, so far as they are invested in personal property, shall be exempt from taxation. Taxation, attachments, etc.

That portion of the wages of a member deducted or to be deducted under this act, the right of a member to an annuity or pension, and all his rights in the funds of the retirement system shall be exempt from taxation, and from the operation of any law relating to bankruptcy or insolvency, and shall not be attached or taken upon execution or other process of any court. No assignment of any right in or to said funds shall be valid.

SUPERVISION BY INSURANCE COMMISSIONER.

SECTION 8. The insurance commissioner shall prescribe for the retirement system of the commonwealth one or more mortality tables, and shall determine what rates of interest shall be established in connection with such tables, and may later modify such tables or prescribe other tables to represent more accurately the expense of the retirement system, or may change said rates of interest and may determine the application of the changes so made. He shall also prescribe and supervise the methods of bookkeeping of the retirement association formed under the provisions of this act. Supervision by insurance commissioner.

The insurance commissioner shall at least once in each year, either personally or by deputy or assistant, thoroughly inspect and examine the affairs of the retirement association to ascertain its financial condition, its ability to fulfil its obligations, whether all parties in interest have complied with the provisions of law applicable to the retirement association, and whether the transactions of the board of retirement have been in accordance with the rights and equities of those in interest. The retirement system shall be credited, in the account of its Inspection and examination.

financial condition, with the amounts due from the commonwealth, under the provisions of section five, (2) *B (a)*, its investments having fixed maturities upon which the interest is not in default at amortized values, and its other investments at a reasonable valuation.

The insurance commissioner to have access to securities, etc.

For the purposes aforesaid, the insurance commissioner or other persons making examination shall have access to all the securities, books and papers of the retirement system, and may summon and administer oaths and examine as witnesses the members of the board of retirement or any other person relative to the financial affairs, transactions and condition of the retirement system. The insurance commissioner shall preserve in a permanent form a full record of the proceedings at such examination, and the results thereof. Upon the completion of such examination, verification and valuation, the insurance commissioner shall make a report in writing of his findings to the board of retirement, and shall send a copy thereof to the governor and the executive council of the commonwealth.

Proceeding in cases of violation of law.

SECTION 9. If, in the judgment of the insurance commissioner, the commonwealth or the board of retirement has violated or neglected to comply with any of the provisions of this act, or of the rules and regulations established by the board of retirement hereunder, he shall give notice thereof to the governor of the commonwealth and to the board of retirement, and thereafter if such violation or neglect continues shall forthwith present the facts to the attorney-general for his action.

Jurisdiction of court.

SECTION 10. The superior court shall have jurisdiction in equity upon petition of the insurance commissioner or of any interested party to compel the observance and restrain the violation of this act, and of the rules and regulations established by the board of retirement hereunder.

SECTION 11. This act shall take effect upon its passage.

Approved June 7, 1911.

Chap. 533 AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Be it enacted, etc., as follows:

Appropriations, Massachusetts Agricultural College.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the Massachusetts Agricultural

College, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

For providing one hundred and twenty free scholarships, the sum of fifteen thousand dollars. Free scholarships.

For providing the theoretical and practical education required by the charter of the college and by the laws of the United States relating thereto, the sum of forty-seven thousand five hundred dollars. Theoretical and practical education.

For the general maintenance of the college, including heat, light and water, the sum of thirty-five thousand dollars. Maintenance.

For a graduate school, the sum of twenty-five hundred dollars. Graduate school.

For a labor fund for the assistance of needy students, the sum of seventy-five hundred dollars. Labor fund.

For maintenance of the veterinary laboratory, the sum of one thousand dollars. Veterinary laboratory.

For maintaining an agricultural experiment station, the sum of ten thousand five hundred dollars. Experiment station.

For collecting and analyzing samples of concentrated commercial feed stuffs, a sum not exceeding three thousand dollars. Commercial feed stuffs.

For travelling and other necessary expenses of the trustees, a sum not exceeding eight hundred dollars. Expenses of trustees.

For printing and binding the reports of the trustees, a sum not exceeding three thousand dollars. Reports.

For the establishment of a normal department for the purpose of giving instruction in the elements of agriculture to persons desiring to teach the same in the public schools, the sum of five thousand dollars. Normal department.

For short courses in agriculture, the sum of fifteen thousand dollars. Courses in agriculture.

SECTION 2. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the first day of June, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

AN ACT RELATIVE TO THE APPOINTMENT OF INSPECTORS OF SLAUGHTERING. Chap. 534

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and one of chapter seventy-five of the Revised Laws, as amended by section three of chapter two hundred and ninety-seven of the acts of R. L. 75, § 101, etc., amended.

the year nineteen hundred and eleven, is hereby further amended by striking out the words “an inspector of the state board of health”, in the fifth and sixth lines, and inserting in place thereof the words: — a member of the board of health or of an inspector appointed therefor by said board, — so as to read as follows: — *Section 101.* A licensee under the provisions of the preceding section shall not slaughter any such animals, or cause them to be slaughtered at such slaughter house or establishment, on any days other than those specified in the application for such license, except in the presence of a member of the board of health or of an inspector appointed therefor by said board; but he may at any time change the days for slaughtering such animals, by giving at least seven days’ written notice thereof to the board or officer authorized to issue licenses, who shall immediately give written notice of such change to such inspector of such city or town.

Slaughtering
of cattle,
etc.

1911, 297,
§ 6, amended.

Appointment
and compen-
sation of in-
spectors, etc.

SECTION 2. Section six of chapter two hundred and ninety-seven of the acts of the year nineteen hundred and eleven is hereby amended by striking out said section and inserting in place thereof the following: — *Section 6.* For the purposes of this act inspectors shall be appointed, shall be compensated, and may be removed in accordance with the provisions of law relating to inspectors of animals, except that the appointment of such inspectors shall be made by the local boards of health and except that in respect to such inspectors the state board of health shall perform the duties and exercise the authority imposed by law upon the chief of the cattle bureau of the state board of agriculture in respect to inspectors of animals. The first appointments under this act shall be made within thirty days after its passage.

SECTION 3. This act shall take effect upon its passage.
Approved June 9, 1911.

Chap.535 AN ACT TO AUTHORIZE THE TAKING OF ADDITIONAL LAND
IN THE CITY OF QUINCY FOR A BUILDING FOR THE DISTRICT
COURT OF EAST NORFOLK.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Norfolk are hereby authorized to take by right of eminent domain such additional land as may be needed for the construction in the city of Quincy of the county building author-

Land may be
taken for the
construction
of a county
building.

ized by chapter four hundred and seventy-seven of the acts of the year nineteen hundred and ten.

SECTION 2. Said county commissioners shall, within thirty days after taking land under this act, file and cause to be recorded in the registry of deeds of Norfolk county a description thereof, as certain as is required in a common conveyance of land, with a statement of the purposes for which it is taken, which description and statement shall be signed by said commissioners, or by two of them, and upon such filing the title to the land shall vest in the county of Norfolk.

Taking to be recorded, etc.

SECTION 3. All damages sustained by the owners of the land so taken shall be paid by the county; and if said commissioners fail to agree with the owners upon the amount thereof, the same shall be determined in the manner provided for determining damages in the case of land taken for laying out highways, upon application therefor made within one year after the filing of the said description and statement.

Damages.

Approved June 9, 1911.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COMMISSIONER IN REGARD TO THE PANAMA EXPOSITION AT SAN FRANCISCO.

Chap. 536

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall, within thirty days after the passage of this act, appoint a commissioner to visit the site of the forthcoming Panama Exposition at San Francisco, who shall obtain information relative to the proposed location and extent of the exposition grounds, ascertain what buildings are already projected and their relative location, and shall select a site for a Massachusetts building. The commissioner shall furnish a sketch or design for such a building, with due regard to the architectural harmony of the exposition buildings as a whole, and with particular reference to the requirements of Massachusetts industries. The commissioner shall furthermore communicate with the governments of Maine, New Hampshire, Vermont, Connecticut and Rhode Island and ascertain whether it will, in his judgment, be feasible for all the New England states to co-operate in the erection of a building, in lieu of a Massachusetts building, to represent New England, and he shall also confer with such commissioners as may be appointed for a similar purpose by

Appointment of a commissioner on the Panama Exposition, etc.

the other New England states in regard to such a New England building, and in regard to whatever plans and projects may be under way by other New England states for representation at the exposition. He shall prepare a preliminary general estimate of the cost of a Massachusetts building and, in conference with representatives of the other New England states, he may also prepare joint estimates of the cost of a New England building, to be built instead of the said Massachusetts building. The commissioner shall perform such additional duties in connection with the foregoing work as may be assigned to him by the governor and council and he shall report his recommendations to the general court not later than the fifteenth day of January in the year nineteen hundred and twelve.

Expenditures.

SECTION 2. For the expenditures necessarily made by the commissioner under this act, a sum not exceeding one thousand dollars shall be paid from the treasury of the commonwealth.

SECTION 3. This act shall take effect upon its passage.
Approved June 9, 1911.

Chap.537 AN ACT TO PROVIDE THAT TOWNS WHOSE VALUATION IS LESS THAN ONE MILLION DOLLARS SHALL BE REIMBURSED FOR CERTAIN HIGH SCHOOL EXPENSES.

Be it enacted, etc., as follows:

R. L. 42,
§ 3, etc.,
amended.

Section three of chapter forty-two of the Revised Laws, as amended by chapter four hundred and thirty-three of the acts of the year nineteen hundred and two, is hereby further amended by striking out the words "seven hundred and fifty thousand", in the twenty-second line, and also in the twenty-fifth line, and inserting in place thereof, in each case, the words: — one million, — so as to read as follows: —

Tuition of
children in
towns having
no high
school, etc.

Section 3. A town of less than five hundred families or householders in which a public high school or a public school of corresponding grade is not maintained shall pay for the tuition of any child who resides in said town and who, with the previous approval of the school committee of his town, attends the high school of another town or city. If such town neglects or refuses to pay for such tuition, it shall be liable therefor to the parent or guardian of a child who has been furnished with such tuition if the parent or guardian has paid for the same, and otherwise to the city or town furnishing the same, in an action of contract. If the school

committee of a town in which a public high school or public school of corresponding grade is not maintained refuses, upon the completion by a pupil resident therein of the course of study provided by it, to approve his attendance in the high school of some other city or town which he, in the opinion of the superintendent of schools of the town in which he is resident is qualified to enter, the town shall be liable in an action of contract for his tuition. A town whose valuation is less than one million dollars shall be entitled to receive from the treasury of the commonwealth all necessary amounts, and a town whose valuation exceeds one million dollars, but whose number of families is less than five hundred, shall be entitled to receive from the treasury of the commonwealth half of all necessary amounts which have actually been expended for high school tuition under the provisions of this section: *provided*, that such expenditure shall be certified under oath to the board of education by its school committee within thirty days after the date of such expenditure; but, if a town of less than five hundred families maintains a high school of its own of the character described in section two of this chapter and employs at least two teachers therein, it shall be entitled to receive annually from the treasury of the commonwealth toward the support of such high school the sum of three hundred dollars. No town the valuation of which averages a larger sum for each pupil in the average membership of its public schools than the corresponding average for the commonwealth shall receive money from the commonwealth under the provisions of this section; and no expenditure shall be made by the commonwealth on account of high school instruction under the provisions of this section unless the high school in which such instruction is furnished has been approved by the board of education.

Proviso.

Approved June 9, 1911.

AN ACT TO AUTHORIZE THE COUNTY OF BRISTOL TO EXPEND CERTAIN SUMS OF MONEY FOR THE LAW LIBRARY IN TAUNTON.

Chap. 538

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and seventy-nine of the acts of the year nineteen hundred and seven is hereby amended by striking out the word "and", in the third line, and by inserting after the words "Fall River", in the fourth line, the words:—and Taunton,—

1907, 279,
§ 1, amended.

Maintenance
of law
libraries in
certain cities.

so as to read as follows: — *Section 1.* The county of Bristol may expend annually a sum not exceeding nine hundred dollars for each of the law libraries established by law in New Bedford, Fall River and Taunton, this sum to be in addition to any sums now authorized by law to be expended for the purposes of such libraries and to be in lieu of the naturalization fees heretofore expended for them.

SECTION 2. This act shall take effect upon its passage.
Approved June 9, 1911.

Chap.539 AN ACT RELATIVE TO THE EMPLOYMENT OF LOCOMOTIVE ENGINEERS AND CONDUCTORS BY RAILROAD CORPORATIONS.

Be it enacted, etc., as follows:

Employment
of locomotive
engineers,
etc.

SECTION 1. No person shall act as a locomotive engineer unless he shall have been employed two years as a locomotive fireman or as an engineer's helper, or, prior to the passage of this act, shall have been employed as a locomotive engineer.

Conductors.

SECTION 2. No person shall act as a conductor on a railroad train unless he shall have been employed as a brakeman for two years, or, prior to the passage of this act, shall have been employed as a conductor on a railroad train.

Violations
of act.

SECTION 3. No person shall knowingly engage, promote, require, persuade, prevail upon, or cause any person to act in violation of either of the preceding sections.

Provisions
of law
construed.

SECTION 4. Nothing in this act shall be construed as applying to the operating of locomotive engines by engine hostlers in or around engine houses. In the event of the disability of an engineer or conductor on the road, railroad companies may employ persons without the qualifications prescribed by this act, but only for the purpose of reaching a terminal station.

Penalty.

SECTION 5. Any violation of the provisions of this act shall be punished by imprisonment for not more than one year, or by a fine of not more than five hundred dollars, or by both such imprisonment and fine, and each day's violation shall constitute a separate offence.

Application
of act.

SECTION 6. This act shall apply to standard gauge railroads only.

SECTION 7. This act shall take effect upon its passage.
Approved June 10, 1911.

AN ACT TO AUTHORIZE THE PARK COMMISSIONERS OF THE CITY OF BOSTON TO PERMIT THE SCHOOL AUTHORITIES OF THAT CITY TO ERECT A BUILDING FOR THE HIGH SCHOOL OF COMMERCE WITHIN THE LIMITS OF THE PARK SYSTEM OF THE CITY. Chap.540

Be it enacted, etc., as follows:

SECTION 1. The park commissioners of the city of Boston are hereby authorized, upon the request of the school-house commissioners of the city, with the approval of the school committee of the city, to permit the erection of a building for the High School of Commerce within the limits of the Back Bay Fens in the city of Boston.

Erection of a building for the high school of commerce in Boston.

SECTION 2. This act shall take effect upon its passage.

Approved June 10, 1911.

AN ACT RELATIVE TO WAGES OF EMPLOYEES OF THE METROPOLITAN PARK COMMISSION AND OF THE METROPOLITAN WATER AND SEWERAGE BOARD. Chap.541

Be it enacted, etc., as follows:

SECTION 1. The wages paid by the metropolitan park commission and by the metropolitan water and sewerage board to laborers directly employed by them shall be not less than two dollars and twenty-five cents a day.

Wages of certain employees.

SECTION 2. This act shall take effect upon its passage.

(This bill, returned by the governor to the senate, the branch in which it originated, with his objections thereto, was passed by the senate June 5, and, in concurrence, by the house of representatives June 12, the objections of the governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law".)

AN ACT RELATIVE TO THE SALARIES OF WATCHMEN IN THE STATE PRISON AND IN THE MASSACHUSETTS REFORMATORY. Chap.542

Be it enacted, etc., as follows:

SECTION 1. Each watchman at the state prison or at the Massachusetts reformatory who has been in said service for less than one year shall receive an annual salary of eight hundred dollars; each watchman who has been in said ser-

Salaries of watchmen in certain institutions.

vice for more than one year and less than three years shall receive an annual salary of one thousand dollars; each watchman who has been in said service for three years and less than five years shall receive an annual salary of twelve hundred dollars, and each turnkey and watchman who has been in said service for five or more years shall receive an annual salary of thirteen hundred dollars.

Repeal.

SECTION 2. So much of sections nineteen and twenty-seven of chapter two hundred and twenty-three of the Revised Laws, and of chapter four hundred and thirty of the acts of the year nineteen hundred and ten as is inconsistent herewith is hereby repealed.

Time of taking effect.

SECTION 3. This act shall take effect on the first day of December, nineteen hundred and eleven.

(This bill, returned by the governor to the house of representatives, the branch in which it originated, with his objections thereto, was passed by the house of representatives June 7, and, in concurrence, by the senate June 13, the objections of the governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law".)

Chap. 543 AN ACT IN FURTHER ADDITION TO THE ACTS MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, except as herein otherwise provided, for the purposes specified, to wit: —

Printing a certain report.

To provide for printing the report of the board of railroad commissioners, the tax commissioner and the bank commissioner on the assets and liabilities of the New York, New Haven and Hartford Railroad Company, as authorized by chapter fifty-seven of the resolves of the present year, a sum not exceeding five thousand dollars.

Report of director of bureau of statistics.

To provide for printing the report of the director of the bureau of statistics relative to certain outstanding debts of cities and towns, as authorized by chapter fifty-eight of the resolves of the present year, a sum not exceeding two hundred and forty dollars.

High school education.

For an investigation by the board of education relative to improving high school education and furnishing higher education supplementary thereto, as authorized by chapter

sixty of the resolves of the present year, a sum not exceeding five hundred dollars.

For reimbursing the city of Newton for maintaining the independent industrial school in that city, as authorized by chapter sixty-one of the resolves of the present year, the sum of twenty-five hundred dollars.

Independent industrial school of Newton.

For the expenses of an investigation concerning part-time schooling for working children, as authorized by chapter sixty-four of the resolves of the present year, a sum not exceeding sixty-five hundred dollars.

Part-time schooling for working children.

To extend the powers of the commission appointed to consider the liability of employers for injuries received by employees in the course of their employment, as authorized by chapter sixty-six of the resolves of the present year, a sum not exceeding two thousand dollars.

Liability of employers, etc.

For the city of Northampton, for the support of the Smith Agricultural School and Northampton School of Industries, as authorized by chapter sixty-seven of the resolves of the present year, the sum of ninety-seven hundred and forty-three dollars.

City of Northampton.

To provide for the establishment of a fish hatchery, as authorized by chapter sixty-eight of the resolves of the present year, a sum not exceeding eight thousand dollars.

Fish hatchery.

For Michael Murphy and others, as authorized by chapter sixty-nine of the resolves of the present year, the sum of five thousand dollars, this amount to be paid out of the Metropolitan Parks Maintenance Fund.

Michael Murphy and others.

To provide for the expenses of a commission to investigate the wages of women and minors, and for a report on the advisability of establishing minimum wage boards, as authorized by chapter seventy-one of the resolves of the present year, a sum not exceeding two thousand dollars.

Minimum wage boards.

To provide for the representation of the commonwealth at the dedication of military monuments at Valley Forge, Pennsylvania, and Petersburg, Virginia, as authorized by chapter seventy-two of the resolves of the present year, a sum not exceeding thirty-five hundred dollars.

Dedication of certain military monuments.

For the salary of the cashier in the sergeant-at-arms' department, as authorized by chapter sixty of the acts of the present year, the sum of two hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Cashier, sergeant-at-arms' department.

For the salary of the assistant register of probate and insolvency for the county of Worcester, as authorized by

Assistant register of probate for

the county of
Worcester.

chapter seventy-three of the acts of the present year, a sum not exceeding seven hundred thirty-three dollars and thirty-four cents, the same to be in addition to any amount heretofore appropriated for this purpose.

Doorkeepers
of the senate
and house.

For the salaries of the doorkeepers of the senate and house of representatives, the sum of two hundred dollars, and for the salaries of the assistant doorkeepers, messengers and pages of the senate and house of representatives, a sum not exceeding two hundred and twenty dollars, as authorized by chapter one hundred and fifteen of the acts of the present year, the same to be in addition to any amount heretofore appropriated for this purpose.

Board of
agriculture.

For clerical service and for lectures before the board of agriculture, as authorized by chapter one hundred and eighty-six of the acts of the present year, a sum not exceeding eight hundred dollars, the same to be in addition to the amount authorized by chapter eighty-nine of the Revised Laws.

Inspection
of apiaries,
etc.

For expenses in connection with the inspection of apiaries, and for the suppression of infectious and contagious bee diseases, as authorized by chapter two hundred and twenty of the acts of the present year, a sum not exceeding fourteen hundred dollars.

Propagation
of game
birds, etc.

To provide for the establishment of a station for the propagation of game birds and animals by the commissioners on fisheries and game, as authorized by chapter two hundred and seventy-one of the acts of the present year, a sum not exceeding ten thousand dollars.

Actuary,
insurance
department,
etc.

For the salary of the actuary in the insurance department, a sum not exceeding three hundred and fourteen dollars, and for the salary of the chief clerk in that department, a sum not exceeding three hundred and fourteen dollars, as authorized by chapter two hundred and ninety-two of the acts of the present year, the same to be in addition to any amounts heretofore appropriated for these purposes.

Assistant
actuary.

The salary of the assistant actuary in the insurance department, as authorized by chapter two hundred and ninety-two of the acts of the present year, shall be paid out of the appropriation already made for a second clerk in that department, the office of second clerk having been abolished by said act.

Board of
health.

The state board of health may expend for the purposes of food and drug inspection, as authorized by chapter two hundred and ninety-six of the acts of the present year, the sum of three thousand dollars, the same to be in addition to the

amount authorized by chapter two hundred and eight of the acts of the year nineteen hundred and seven.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1911.

AN ACT TO AUTHORIZE THE TOWN OF BILLERICA TO MAKE Chap.544
AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

SECTION 1. The town of Billerica, for the purpose of extending and improving its water service, may borrow money from time to time and issue therefor negotiable bonds, notes or scrip to an amount not exceeding fifty thousand dollars, in addition to the amounts heretofore authorized by law to be issued by the town for water purposes. Such bonds, notes or scrip shall be signed by the treasurer of the town and countersigned by the water commissioners, shall be denominated on the face thereof, Billerica Additional Water Loan, Act of 1911, shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, and shall bear interest, payable semi-annually, at a rate not exceeding four and one half per cent per annum. The town may sell said securities at public or private sale, for not less than their par value, upon such terms and conditions as it may deem proper.

Billerica
Additional
Water Loan,
Act of 1911.

SECTION 2. At the time of authorizing said loan, the town shall provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the date of issue, as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed and collected by the town annually thereafter, in a manner similar to that in which other taxes are assessed, until the debt incurred by said loan is extinguished.

Payment
of loan.

Approved June 14, 1911.

AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO INCUR Chap.545
INDEBTEDNESS FOR THE ERECTION OF A CITY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of acquiring land and erecting a building for hospital purposes in the city of Cambridge,

Erection of
a hospital in
the city of
Cambridge.

the said city may incur indebtedness, in excess of the debt limit fixed by law, to the amount of one hundred and fifty thousand dollars, and may from time to time issue bonds, notes or scrip therefor, payable at periods not exceeding twenty years from the dates of issue. Such bonds, notes or scrip shall be signed by the mayor and countersigned by the treasurer of the city, shall be denominated on the face thereof, Cambridge City Hospital Loan, Act of 1911, and shall bear interest at a rate not exceeding four per cent per annum. The city shall provide for the payment of said indebtedness by such annual proportionate payments as will extinguish the debt at maturity.

Certain provisions of law to apply.

SECTION 2. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws and of all acts in amendment thereof and in addition thereto shall, so far as they may be applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

Question to be submitted to voters, etc.

SECTION 3. This act shall be submitted for acceptance to the voters of the city of Cambridge at the state election in the current year and the following questions shall be placed on the official ballot for said city at that election: “Shall an act passed by the general court in the year 1911, entitled ‘An Act to authorize the city of Cambridge to incur indebtedness for the erection of a city hospital’, be accepted?” “If said hospital is erected, shall the indebtedness incurred by its erection be within the debt limit fixed by law for Cambridge?”

YES.	
NO.	

YES.	
NO.	

Time of taking effect.

SECTION 4. This act, so far as it authorizes the submission to the voters of the city of Cambridge, shall take effect upon its passage, but it shall not further take effect unless accepted by a majority of the voters of the city of Cambridge voting thereon at the next state election; and if a majority of the voters vote in the affirmative in answer to the first of the above questions the act shall take effect so far as to authorize the erection of said hospital, the acquiring of land and the issue of bonds; and, if a majority of the voters voting thereon shall vote in the affirmative in answer to the second of said questions, then the bonds issued by said city on account of said hospital shall be within the debt limit of the city, but otherwise said bonds shall be outside said debt limit.

Approved June 14, 1911.

AN ACT TO APPROVE THE ACQUISITION BY THE UNITED STATES *Chap. 546*
OF A TRACT OF LAND IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The consent of the commonwealth is hereby granted to the United States of America to acquire by purchase or by condemnation lands situated in the city of Boston lying on the northerly side of Boston harbor, in that part of Boston known as East Boston, containing about three acres, to be described in a plan or plans to be approved by the harbor and land commissioners, and to be used for the purposes of an immigration station and for other purposes of the department of commerce and labor of the United States government.

The United States may acquire a certain tract of land in Boston.

SECTION 2. Jurisdiction over the area so to be acquired is hereby granted and ceded to the United States: *provided, always,* that the commonwealth shall retain concurrent jurisdiction with the United States in and over the area so acquired, so far that all civil and criminal processes issuing under the authority of the commonwealth may be executed on said land and in any buildings now or hereafter thereon, in the same manner as if jurisdiction had not been granted as aforesaid; and *provided, also,* that the exclusive jurisdiction shall revert to and revest in the commonwealth whenever the area so acquired shall cease to be used for the purposes mentioned in section one hereof.

Jurisdiction.
Provisos.

SECTION 3. The commonwealth hereby cedes to the United States of America all tide water lands belonging to the commonwealth within the area to be acquired as aforesaid, and hereby grants to the United States the exclusive use and occupation thereof, together with the right to fill and dredge thereon, and to erect and maintain any and all structures thereon: *provided, however,* that the same shall revert to and revest in the commonwealth whenever the said lands shall cease to be used for the purposes set forth in this act.

Cession of certain tide waters.

Proviso.

SECTION 4. This act shall be void unless plans of the land acquired under the provisions of this act, and approved by the harbor and land commissioners, shall be deposited in the office of the secretary of the commonwealth within one year after the date of the acquisition.

Plans to be deposited in the office of the secretary of the commonwealth.

Approved June 14, 1911.

Chap.547 AN ACT TO RATIFY AND CONFIRM CERTAIN ACTS OF THE
TOWN OF SOUTH HADLEY.

Be it enacted, etc., as follows:

Certain acts
confirmed.

SECTION 1. The action of the town of South Hadley at a special town meeting held on the ninth day of May, nineteen hundred and eleven, in voting that taxes for the year nineteen hundred and eleven be payable September first, nineteen hundred and eleven, and that if taxes are unpaid on October first, nineteen hundred and eleven, interest shall be added thereto at the rate of six per cent per annum from September first, nineteen hundred and eleven, is hereby ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1911.

Chap.548 AN ACT RELATIVE TO THE CARRYING OF CONCEALED WEAPONS.

Be it enacted, etc., as follows:

1906, 172,
§ 1, amended.

Licenses
may be issued
for carrying
concealed
weapons.

SECTION 1. Section one of chapter one hundred and seventy-two of the acts of the year nineteen hundred and six is hereby amended by striking out the word "loaded", in the fifth line, so as to read as follows: — *Section 1.* The justice of a court, or trial justices, the board of police or mayor of a city, or the selectmen of a town, or persons authorized by them, respectively, may, upon the application of any person, issue a license to such person to carry a pistol or revolver in this commonwealth, if it appears that the applicant has good reason to fear an injury to his person or property, and that he is a suitable person to be so licensed.

1906, 172,
§ 2, amended.

Penalty.

SECTION 2. Section two of said chapter one hundred and seventy-two, as amended by section one of chapter three hundred and fifty of the acts of the year nineteen hundred and eight, is hereby further amended by striking out the word "loaded", in the third line; by striking out the word "twenty-five", in the seventh line, and inserting in place thereof the word: — fifty, — and by inserting after the word "not", in the ninth line, the words: — less than one month and not, — so as to read as follows: — *Section 2.* Whoever, except as provided by the laws of this commonwealth, carries on his person a pistol or revolver, without authority or permission as provided in section one of this act, or whoever carries any

stiletto, dagger, dirk-knife, slung-shot or metallic knuckles, shall upon conviction be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment for a term not less than one month and not exceeding one year, or by both such fine and imprisonment.

SECTION 3. Section nine of chapter two hundred and eleven of the Revised Laws is hereby amended by inserting after the word "billy", in the fourth line, the words: — revolver or pistol, loaded or unloaded, — and also by striking out all after the word "by", in the fifth line, and inserting in place thereof the following: — imprisonment for not less than three months and not more than three years, — so as to read as follows: — *Section 9.* Whoever, when arrested upon a warrant for an alleged crime and whoever, when arrested while committing a crime or a breach or disturbance of the public peace, is armed with or has on his person any slung-shot, metallic knuckles, billy, revolver or pistol, loaded or unloaded, or other dangerous weapon, shall be punished by imprisonment for not less than three months and not more than three years.

R. L. 211,
§ 9, amended.

Penalty for
carrying cer-
tain weapons.

SECTION 4. Chapter two hundred and eighty-three of the acts of the year nineteen hundred and eleven is hereby repealed.

Repeal.

Approved June 14, 1911.

AN ACT TO ESTABLISH THE SALARIES OF MARY E. HALLEY AND MARY A. NASON, MEMBERS OF THE INSPECTION DEPARTMENT OF THE DISTRICT POLICE.

Chap. 549

Be it enacted, etc., as follows:

SECTION 1. The salaries of Mary E. Halley and Mary A. Nason, members of the district police, shall hereafter be at the rate of fifteen hundred dollars per annum.

Mary E.
Halley and
Mary A.
Nason.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.
(*The foregoing was laid before the governor on the eighth day of June, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.*)

Chap.550 AN ACT RELATIVE TO DIRECT NOMINATION OF CANDIDATES FOR STATE OFFICES, THE ELECTION OF STATE, WARD AND TOWN COMMITTEES AND DELEGATES TO STATE CONVENTIONS AND THE HOLDING OF STATE CONVENTIONS OF POLITICAL PARTIES.

Be it enacted, etc., as follows:

Direct nomination for candidates for state offices, etc.

SECTION 1. The nomination of candidates of political parties for all offices to be filled at a state election, excepting the office of presidential elector, and the election of district members of state committees, members of ward and town committees, and of delegates to state conventions of political parties shall be by direct plurality vote in primaries.

The number of district members of the state committee, not less than one from each senatorial district, and the number of delegates to the state convention, not less than one for each ward or town, to be elected, shall be fixed by the state committee, and the number of members of ward and town committees, not less than three for each ward and town, to be elected, shall be fixed by the city and town committees. Notice of the number of delegates and of members of committees shall be given by the state, city or town committees, as the case may be, to the secretary of the commonwealth, on or before the first day of August. Wherever in this act the word "aldermen" is used it shall include the boards or officials having the powers of aldermen in a city which does not have a board of aldermen.

Date of holding primaries, etc.

SECTION 2. Such primaries shall be held on the sixth Tuesday preceding the state election.

In cities or towns where the question of holding primaries by wards, precincts, or groups of precincts is determined by the aldermen or selectmen, notice of such determination shall be given to the secretary of the commonwealth, by the aldermen or selectmen on or before the first day of August.

Polls to be open during certain hours.

SECTION 3. The polls at every primary shall be open during such hours, not less than nine in cities or two in towns, as may be designated by the board of election commissioners in Boston, the aldermen in other cities, and the selectmen in towns.

Nominations, etc.

SECTION 4. The nomination of candidates for nomination at primaries shall be by nomination papers. In the case of offices to be filled by all the voters of the commonwealth

such papers shall be signed in the aggregate by at least one thousand voters, not less than two hundred and fifty to be from each of four different counties. In the case of all other offices to be filled at a state election, by a number of voters equal in the aggregate to five voters for each ward or town in the district or county, but in no case shall more than two hundred and fifty be required.

The nomination of candidates for election at primaries shall be made as in the case of candidates for nomination for state offices other than those to be filled by all the voters of the commonwealth.

SECTION 5. Every nomination paper shall state, in addition to the name of the candidate, (1) his residence, with street and number thereof, if any, (2) the office for which he is nominated, (3) the political party which he represents, and the paper may state, in not more than eight words, the occupation of the candidate, the public offices which he has held, or that he is a candidate for renomination, provided he is at the time an incumbent of the office for which he seeks renomination for another term, but not otherwise. Every voter who signs such paper shall sign it in person, with his full surname, his Christian name, and the initial of every other name which he may have, and shall state his residence of the previous first day of April, as well as the place where he is then living, with the street and number thereof; but any voter who is prevented by physical disability from writing, or who had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, may authorize some person to write his name and residence in his presence; and every voter may sign as many nomination papers for each office to be filled as there are persons to be nominated for or elected thereto, and no more.

Nomination
papers, etc.

Such paper shall also contain the statement that the signers thereof are members of the party represented by the candidate and are entitled to vote in the caucuses or primaries of that party; and whoever knowingly subscribes falsely to a statement on a nomination paper shall be punished by imprisonment for not more than five days or by a fine not exceeding fifty dollars.

From and after the first day of July in the year nineteen hundred and twelve none but enrolled voters of the party represented by a candidate shall be entitled to sign the nomination paper of such candidate. No nomination paper shall

contain the name of more than one candidate except in the case of delegates to the state convention and members of ward and town committees.

SECTION 6. Every nomination paper shall be submitted on or before five o'clock in the afternoon of the Saturday preceding the day on which it must be filed to the registrars of the city or town in which the signers appear to be voters, and in Boston to the election commissioners, who shall forthwith certify thereon the number of signatures which are names of voters, and from and after the first day of July in the year nineteen hundred and twelve, enrolled voters, of the party represented by the candidate whose name appears in the nomination paper both in city or town and in the district for which the nomination is made. They need not certify a greater number of names than are required to make a nomination with one fifth of such number added thereto. Names not certified in the first instance shall not thereafter be certified on the same nomination papers. The secretary of the commonwealth shall not be required in any case to receive nomination papers for a candidate after receiving papers containing a sufficient number of certified names to make a nomination, with one fifth of such number added thereto.

No person shall be a candidate for nomination for more than one office for which nominations are made under this act; but this shall not apply to candidates for membership in political committees or delegations to the state convention.

SECTION 7. Nomination papers for use under this act shall be prepared and furnished by the secretary of the commonwealth, upon request.

SECTION 8. All nomination papers of candidates to be voted for at state primaries under this act shall be filed with the secretary of the commonwealth on or before the fourth Tuesday preceding the day of the primaries.

SECTION 9. A person who is nominated to be voted for at a primary under this act may, within seventy-two week-day hours succeeding five o'clock of the last day fixed for filing nomination papers, withdraw his name from nomination by a request in writing signed by him and acknowledged before a justice of the peace, and filed with the secretary of the commonwealth.

SECTION 10. If a person nominated to be voted for at a primary under this act dies before the day of the primary, or withdraws his name from nomination, or is found to be

Nomination
papers to be
submitted to
the registrars
of voters, etc.

Nomination
papers.

Filing of
nomination
papers.

Name may
be with-
drawn from
nomination.

Vacancies.

ineligible, the vacancy may be filled, in the case of a candidate for nomination, by the state committee, if the candidate is one to be voted for by all the voters of the commonwealth; and in the case of all other candidates, by the members of the ward and town committees in the wards and towns comprising the respective districts, and in the case of a candidate for election, by the said ward and town committees: *provided*, Proviso. *however*, that the death, withdrawal or ineligibility of a candidate for nomination shall not be treated as creating a vacancy to be filled unless by reason of such vacancy there would be no candidate for the party nomination for the office.

SECTION 11. Objections to nomination papers and all other questions relating thereto shall be considered and determined by the state ballot law commission. Objections to nomination papers.

SECTION 12. Ballots for use at primaries under this act shall be prepared and provided, and the number thereof determined, by the secretary of the commonwealth, and no other ballots shall be received or counted: *provided*, Ballots for use at primaries. *however*, Proviso. that if the ballots provided for any polling place are not delivered, or if after delivery they are lost, destroyed or stolen, the city or town clerk or election commissioners shall prepare ballots similar as far as possible, which ballots may be used.

In the preparation of the ballot names of candidates for ward or town committees and for delegates to the state convention shall be arranged in groups in such order as may be determined by lot, under the direction of the secretary of the commonwealth, who shall notify each state committee and give a representative of each committee an opportunity to be present; *provided*, Preparation of ballot. *however*, that, when necessary, groups Proviso. may be printed on the ballot in two or more columns.

SECTION 13. When, in a primary, a voter seeks to pass the guard rail, he shall be asked by one of the ballot clerks, with which political party he desires to be enrolled, and the ballot clerk upon reply shall distinctly announce the name of such political party and give him such political party ballot. The voter's selection shall be checked on the voting list used by the ballot clerk and such list shall be returned to the election commissioners in Boston, or to the city clerk in any other city, or to the town clerk in towns, for preservation during the next succeeding five calendar years. Party enrolment.

The party enrolment of voters on such voting lists, and all subsequent party enrolment of voters, shall be transferred each year to the voting lists used at subsequent primaries,

providing the names of such voters have been entered, in Boston, in the annual register prepared by the election commissioners from the police lists, and in other cities and in towns in the annual register prepared from the assessors' lists.

Enrolment
may be can-
celled, etc.

Proviso.

SECTION 14. No voter enrolled under the provisions of this chapter shall be allowed to receive the ballot of any political party except that with which he is so enrolled, but he may establish, change or cancel his enrolment by appearing in person before the election commissioners in Boston, the city clerk in any other city, or the town clerk in towns, and requesting in writing to have his enrolment established, changed to another party, or cancelled: *provided*, that such change shall not take effect until the expiration of ninety days after the voter so appears, and in case of cancellation the voter shall not be entitled to vote at any primary held under this act until the expiration of one year from the date of cancellation.

No voter enrolled as a member of one political party shall be allowed to receive the ballot of any other political party, upon a claim by him of erroneous enrolment, except upon a certificate of such error from the election commissioners or board of registrars, as the case may be, which certificate shall be presented to the presiding officer of the primary and preserved as part of the records of such primary.

Counting of
ballots.

SECTION 15. No ballots cast at a primary under this act shall be counted until the close of the polls.

Canvass of
ballots, etc.

SECTION 16. Upon the receipt of the records of votes cast at primaries held under this act the city or town clerk or election commissioners shall forthwith canvass the same and make return of the votes for candidates for nomination for state offices, and for election as members of the state committee, to the secretary of the commonwealth, who shall forthwith canvass such returns, determine the results thereof, notify the successful candidates, and certify to the state committees the names of the persons nominated for state offices and elected as members of the state committees, and as delegates to the state conventions.

Said clerks or commissioners shall determine the results of the vote for members of ward and town committees, issue proper certificates thereof to the successful candidates, and notify the chairmen of the city and town committees of the respective parties.

SECTION 17. In case of a tie vote for any candidate for nomination for an office to be filled by all the voters of the commonwealth the vacancy shall be filled by the state committee. Tie vote.

In case of a tie vote for any other candidate for nomination the vacancy shall be filled by the members of the ward and town committees in the wards and towns comprising the districts for which the nominations are to be made.

If a majority of a delegation, or of a ward or town committee, is not elected the vacancy shall be filled by the ward or town committees.

All vacancies caused by ties shall be filled only by the choice of one of the candidates receiving the tie vote.

SECTION 18. A political party may, upon the call of its state committee, but not earlier than one week after the holding of the primaries, hold a state convention for the purpose of adopting a platform, electing such number of members at large of the state committee as may be fixed by the state committee, nominating presidential electors, and for such other purposes not inconsistent with this act as the state committee or the convention may determine. Such convention shall consist of the delegates elected at the regular primaries (in number not less than one for each ward and town), the members of the state committee, the United States senators from Massachusetts who are members of the party, the nominees of the party for all offices to be filled at the state election, and in years in which no elections are held for such offices, the incumbents of those offices who are members of the party. State convention, etc.

SECTION 19. The secretary of the commonwealth may employ such temporary clerical assistance as he may deem necessary to carry out the provisions of this act: *provided, however,* that the provisions of chapter nineteen of the Revised Laws and the civil service rules made thereunder shall not apply to such employment. Clerical assistance.
Proviso.

SECTION 20. All existing provisions of law relating to primaries not inconsistent with this act shall apply thereto as far as practicable. Certain provisions of law to apply.

SECTION 21. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 22. This act shall take effect upon its passage.

Approved June 16, 1911.

Chap.551 AN ACT RELATIVE TO THE APPOINTMENT OF ADMINISTRATORS
OF THE ESTATES OF DECEASED PERSONS.

Be it enacted, etc., as follows:

1909, 490,
§ 22, Part
IV, amended.

Application
for adminis-
tration by
the tax com-
missioner.

Section twenty-two of Part IV of chapter four hundred and ninety of the acts of the year nineteen hundred and nine is hereby amended by striking out the words "if it then appears that there is no will in existence", at the end thereof, so as to read as follows:— *Section 22.* If, upon the decease of a person leaving an estate liable to a tax under the provisions of this part, a will disposing of such estate is not offered for probate, or an application for administration made within four months after such decease, the probate court, upon application by the tax commissioner, shall appoint an administrator.

Approved June 16, 1911.

Chap.552 AN ACT RELATIVE TO THE CONSTRUCTION OF THE BRIDGE
OVER TAUNTON GREAT RIVER BETWEEN THE CITY OF FALL
RIVER AND THE TOWN OF SOMERSET.

Be it enacted, etc., as follows:

1910, 654,
§ 6, amended.

Old bridge
to be re-
moved when
new bridge
is completed,
etc.

SECTION 1. Section six of chapter six hundred and fifty-four of the acts of the year nineteen hundred and ten is hereby amended by striking out all after the word "bridge", in the twenty-third line, and inserting in place thereof the words:— which are hereby approved and confirmed; and all successors or assigns of said Globe Street Railway Company shall be bound by and subject to the said conditions,— so as to read as follows:— *Section 6.* After said new bridge, approaches and ways have been completed and opened for use, the railroad company aforesaid shall remove the present joint railroad and highway bridge built in accordance with the provisions of chapter two hundred and ninety-five of the acts of the year eighteen hundred and seventy-two; and said bridge built under said last named act shall thereupon be discontinued for highway and railroad purposes. The railroad company shall use the new joint bridge, built under the provisions of this act, and connect its tracks with the same on both sides of the river, and the highway part as well as the approaches and ways leading thereto shall be public highways. Any street railway company owning the tracks on the highway part of the old Slade's Ferry bridge, shall have the right to lay double tracks on the highway part of

said reconstructed bridge and to connect its tracks with the same on both sides of the river, and to propel its cars thereon by electricity or other power, subject, however, to all the conditions as to fares and other matters mentioned in the grant of location to the Globe Street Railway Company by the board of aldermen of the city of Fall River in the year eighteen hundred and ninety-five on the old Slade's Ferry bridge, which are hereby approved and confirmed; and all successors or assigns of said Globe Street Railway Company shall be bound by and subject to the said conditions.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1911.

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE STATE FARM. Chap. 553

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding three hundred and thirty-one thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the maintenance of the state farm during the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven. Appropriation, state farm.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1911.

AN ACT TO AUTHORIZE THE SALE OF MILITARY STORES TO MEMBERS OF THE MILITIA AND RELATIVE TO MILITARY PAYMENTS INTO THE TREASURY OF THE COMMONWEALTH. Chap. 554

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and seven of chapter six hundred and four of the acts of the year nineteen hundred and eight is hereby amended by adding at the end thereof the words: — The quartermaster general is authorized to make sales of clothing, equipment, ordnance stores and medical stores for cash to officers and enlisted men of the Massachusetts volunteer militia, and the money so received by him shall be paid to the treasurer of the commonwealth, — so as to read as follows: — *Section 107.* Except as provided in the preceding section, organizations of the volunteer militia shall be provided, at the expense of the commonwealth, with the uniforms, arms, equipments, colors, musical instruments, books of instruction and of record, 1908, 604.
§ 107,
amended.

Militia to be provided with uniforms.

Military
property.

supplies and camp and garrison equipage and wagons and draft horses necessary for their proper training and instruction and the performance of military duty. Such property shall be issued, by the quartermaster general, upon requisition, to the commanders of brigades, regiments, separate battalion, squadron, corps of cadets, companies, staff corps and departments, or detachments; but in time of peace no uniforms, arms, equipments or supplies shall be issued to or for the use of any company which has not the minimum number of enlisted men. The quartermaster general is authorized to make sales of clothing, equipment, ordnance stores and medical stores for cash to officers and enlisted men of the Massachusetts volunteer militia, and the money so received by him shall be paid to the treasurer of the commonwealth.

SECTION 2. This act shall take effect upon its passage.
Approved June 16, 1911.

Chap.555 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE MASSACHUSETTS HIGHWAY COMMISSION.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the Massachusetts highway commission, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Highway
commission.

For the salaries of the commissioners, the sum of eighty-five hundred dollars.

Engineers,
etc.

For the salaries of the engineers, clerks and assistants, a sum not exceeding twenty-one thousand five hundred dollars.

Travelling
expenses.

For travelling and other expenses of the commission, a sum not exceeding thirty-five hundred dollars.

Postage,
printing, etc.

For postage, printing and other necessary office expenses, including printing and binding the annual report, a sum not exceeding sixty-five hundred dollars.

Rent of
offices.

For rent of offices, a sum not exceeding forty-seven hundred and fifty dollars.

Road-
building
machinery.

For care and repair of road-building machinery, a sum not exceeding sixty-five hundred dollars.

State
highways.

For the maintenance of state highways, for the present and previous years, a sum not exceeding two hundred thousand dollars.

For the suppression of the gypsy and brown tail moths and other insect pests which threaten the trees on state highways, a sum not exceeding ten thousand dollars. Gypsy and brown tail moths.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1911.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES IN CONNECTION WITH THE SUPERVISION OF TELEPHONE AND TELEGRAPH COMPANIES BY THE MASSACHUSETTS HIGHWAY COMMISSION. Chap.556

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Telephone and Telegraph Commissioners' Fund, for the expense of supervision of telephone and telegraph companies by the Massachusetts highway commission, during the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: — Appropriations.

For the salaries of the commissioners, the sum of forty-five hundred dollars. Highway commission.

For necessary statistics, books, stationery, clerks, traveling and incidental expenses, a sum not exceeding six thousand dollars. Statistics, etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1911.

AN ACT RELATIVE TO CERTAIN PURCHASES AND TAKINGS OF LAND IN THE TOWN OF REVERE BY THE MASSACHUSETTS HIGHWAY COMMISSION. Chap.557

Be it enacted, etc., as follows:

SECTION 1. The authority conferred upon the Massachusetts highway commission by section one of chapter six hundred and forty-six of the acts of the year nineteen hundred and ten to expend the sum of one hundred and twenty-five thousand dollars in purchasing or taking by right of eminent domain land for the purpose of eventually laying out and constructing a highway in the town of Revere may be exercised at any time within two years after the date of the passage of this act. Taking of land in the town of Revere.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1911.

Chap.558 AN ACT RELATIVE TO METERS USED BY GAS COMPANIES.*Be it enacted, etc., as follows:*

Gas meters.

When a gas meter in a building owned or used by a customer of a gas company is read by an employee or agent of such company, he shall, upon request, deliver to the person using the gas measured by the meter a written statement of the amount recorded by the meter at that time.

*Approved June 16, 1911.***Chap.559** AN ACT TO AUTHORIZE THE TOWN OF NORWOOD TO PROVIDE AN ADDITIONAL WATER SUPPLY AND TO MAKE AN ADDITIONAL WATER LOAN.*Be it enacted, etc., as follows:*

Additional water supply for the town of Norwood.

SECTION 1. The town of Norwood, for the purpose of providing itself with an additional water supply, may take, or acquire by purchase or otherwise, and hold the waters of any pond or stream or of any ground sources of supply by means of driven, artesian or other wells within the limits of the town, and the water rights connected with any such water sources; may convey said waters to one or more connections with its distributing system as now or hereafter established under the provisions of chapter eighty-two of the acts of the year eighteen hundred and eighty-five; may distribute the water through said system; and may also take, or acquire by purchase or otherwise, and hold all lands, rights of way and easements necessary for collecting, storing, holding, purifying and preserving the purity of the water, and for conveying the same to the aforesaid connections with its said distributing system and to any part of said town: *provided, however,* that no source of water supply and no lands necessary for preserving the purity of the water shall be taken or used without first obtaining the advice and approval of the state board of health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board.

Proviso.

May construct dams, reservoirs, etc.

SECTION 2. The town may construct on the lands acquired under the provisions of this act proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances,

and do such other things as may be necessary or desirable for properly carrying out the purposes of this act; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways in the town of Norwood, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this act the town may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least possible hindrance to public travel on the said ways. The town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the board of railroad commissioners.

SECTION 3. The town shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Norfolk a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners of the town. The title to all land taken, purchased or acquired in any way under the provisions of this act shall vest in the town of Norwood, and the land so acquired may be managed, improved and controlled by said board of water commissioners in such manner as it shall deem for the best interest of the town; but subject to such instructions, rules and regulations as the town may from time to time impose by its vote.

Description
of land, etc.,
taken to be
recorded.

SECTION 4. The town shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement or by any other thing done by said town under authority of this act. Any person or corporation sustaining damages as aforesaid and failing to agree with the town as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within two years after the taking of such land or other property

Damages.

or the doing of other injury under authority of this act; but no such application shall be made after the expiration of the said two years, and no application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by the town under authority of this act. The town may, by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages caused by such taking shall be based upon the said amount or quantity until the same shall be increased by vote or otherwise, and in that event said town shall be further liable only for the additional damages caused by such additional taking.

Town of
Norwood
Water Loan,
Act of 1911.

SECTION 5. The town, for the foregoing purposes, may issue from time to time bonds, notes or scrip to an amount not exceeding one hundred thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of Norwood Water Loan, Act of 1911; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners of the town. The town may sell the said securities at public or private sale, upon such terms and conditions as it may deem proper; but they shall not be sold for less than their par value.

Payment of
loan.

SECTION 6. The town shall, at the time of authorizing each loan hereunder, provide for the payment thereof in such annual proportionate payments, beginning not more than three years after the date of the loan, as will extinguish the same within the time prescribed by this act, and the town shall raise annually by taxation such sum, in excess of the income derived from water rates available for the purpose as may be required to pay the interest as it accrues on the bonds, notes or scrip issued as aforesaid, and to make the payments on the principal thereof as required by the provisions of this act, and to provide for the proper maintenance of the system established hereunder.

Penalty for
corrupting
water, etc.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structures, work or other property owned, held or used by said town under authority of this act, shall forfeit and pay to the town three times the amount of damages assessed therefor, to be recovered in an action of tort; and

upon being convicted of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in jail for a term not exceeding one year.

SECTION 8. All the authority granted to said town by this act and not otherwise specifically provided for shall be vested in the board of water commissioners of the town, who shall be subject however to such instructions, rules and regulations as the town may impose by its vote.

Powers of
water com-
missioners.

SECTION 9. This act shall take effect upon its acceptance by a majority vote of the legal voters of the town of Norwood present and voting thereon at a legal meeting called for the purpose within three years after its passage; but the number of meetings so called in any one year shall not exceed three; and for the purpose of being submitted to the voters as aforesaid this act shall take effect upon its passage.

Time of
taking effect.

Approved June 16, 1911.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE BUREAU OF STATISTICS.

Chap. 560

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for salaries and expenses in the bureau of statistics for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Appropriations.

For the salary of the director, three thousand dollars.

Director of
bureau of
statistics.

For the salary of the chief clerk, two thousand dollars.

Chief clerk.
Clerical
assistance.

For additional clerical assistance, a sum not exceeding forty-three thousand six hundred dollars.

Expenses.

For contingent and office expenses, including the printing and binding of the annual reports, and travelling and other expenses in connection with the annual collection of statistics of manufactures, also expenses in connection with municipal returns, a sum not exceeding nineteen thousand one hundred and fifty dollars.

For taking a special census in towns having an increased resident population during the summer months, a sum not exceeding one thousand dollars.

Special
census.

For the establishment and maintenance of free employment offices in this commonwealth, a sum not exceeding twenty-two thousand dollars.

Free
employment
offices.

Auditing
municipal
accounts.

For expenses in connection with the auditing of municipal accounts, a sum not exceeding ten thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved June 19, 1911.

Chap.561

AN ACT TO ESTABLISH THE SALARIES OF CERTAIN STENOGRAPHERS AND CLERKS IN THE DEPARTMENT OF THE DISTRICT POLICE.

Be it enacted, etc., as follows:

District
police.

SECTION 1. The chief of the district police is hereby authorized to employ a stenographer in his department at an annual salary of nine hundred dollars, to increase by yearly increments of fifty dollars until it reaches the sum of one thousand dollars: *provided*, that such increase is approved, from year to year, by the chief of the district police for the efficiency and faithfulness of said stenographer.

Proviso.

Employment
of stenog-
raphers.

SECTION 2. The chief of the district police is hereby authorized to employ two stenographers for service in the inspection department of the district police, at an annual salary of seven hundred dollars each, to increase by yearly increments of fifty dollars until it reaches the sum of eight hundred dollars: *provided*, that such increase is approved, from year to year, by the chief of the district police for the efficiency and faithfulness of said stenographers, or of either of them.

Proviso.

Additional
stenographer.

SECTION 3. The chief of the district police may appoint an additional stenographer for service in the detective department of the district police, at a salary not exceeding twelve hundred dollars a year. Chapter four hundred and eighty-two of the acts of the year nineteen hundred and seven is hereby repealed. This section shall take effect on the first day of June, nineteen hundred and eleven.

1906, 522,
§ 1, etc.,
amended.

SECTION 4. Section one of chapter five hundred and twenty-two of the acts of the year nineteen hundred and six, as amended by section one of chapter four hundred and ten of the acts of the year nineteen hundred and nine, is hereby further amended by inserting after the word “department”, in the fourteenth line, the words: — The salary of the first named clerk shall increase by yearly increments of one hundred dollars until it reaches the sum of one thousand dollars, and, — so as to read as follows: — *Section 1.* The governor is hereby authorized and directed to appoint

Additional
members of
inspection

five additional members of the inspection department of the district police, who shall be not above forty-five years of age. Said age limit shall apply to all new appointments to said boiler inspection department, but shall not apply to any reappointment thereto. They shall be detailed for the inspection of boilers, and shall receive the same compensation now received by the present inspectors of boilers. The governor is also hereby authorized to appoint one clerk, at an annual salary of eight hundred dollars, to serve in the said department, and four additional clerks, at an annual salary of six hundred dollars each, to serve at branch offices in the said department. The salary of the first named clerk shall increase by yearly increments of one hundred dollars until it reaches the sum of one thousand dollars, and the salary of said four additional clerks shall increase by yearly increments of fifty dollars until it reaches the sum of seven hundred and fifty dollars: *provided, however*, that such increase is approved, from year to year, by the chief of the district police for the efficiency and merit of said clerks or of any of them.

department,
etc.

Proviso.

SECTION 5. Section one of chapter four hundred and seventy-nine of the acts of the year nineteen hundred and eight is hereby amended by adding at the end thereof the words: — The salary of said stenographer shall increase by yearly increments of one hundred dollars until it reaches the sum of one thousand dollars: *provided*, that such increase is approved, from year to year, by the chief of the district police for the efficiency and faithfulness of said stenographer, — so as to read as follows: — *Section 1.* The chief of the district police may appoint an additional stenographer in the office of the deputy chief of the detective department of the district police, at a salary not exceeding eight hundred dollars per annum. The salary of said stenographer shall increase by yearly increments of one hundred dollars until it reaches the sum of one thousand dollars: *provided*, that such increase is approved, from year to year, by the chief of the district police for the efficiency and faithfulness of said stenographer.

1908, 479,
§ 1, amended.

Additional
stenographer
in the
detective
department.

Proviso.

SECTION 6. This act shall take effect upon its passage, except as is otherwise provided herein.

Approved June 19, 1911.

*Chap.*562 AN ACT RELATIVE TO THE LICENSING OF ENGINEERS AND FIREMEN.

Be it enacted, etc., as follows:

R. L. 102,
§ 78, etc.,
amended.

Persons in
charge of
certain
boilers to be
licensed, etc.

SECTION 1. Section seventy-eight of chapter one hundred and two of the Revised Laws, as amended by section one of chapter three hundred and seventy-three of the acts of the year nineteen hundred and seven, is hereby further amended by striking out the word "eight", in the eighth line, and inserting in place thereof the word: — nine, — so as to read as follows: — *Section 78.* No person shall have charge of or operate a steam boiler or engine in this commonwealth, except boilers and engines upon locomotives, motor road vehicles, boilers and engines in private residences, boilers in apartment houses of less than five flats, boilers and engines under the jurisdiction of the United States, boilers and engines used for agricultural purposes exclusively, boilers and engines of less than nine horse power, and boilers used for heating purposes exclusively which are provided with a device approved by the chief of the district police limiting the pressure carried to fifteen pounds to the square inch, unless he holds a license as hereinafter provided. The owner or user of a steam boiler or engine, other than boilers or engines above excepted, shall not operate or cause to be operated a steam boiler or engine for a period of more than one week, unless the person in charge of and operating it is duly licensed.

R. L. 102,
§ 80,
amended.

Definition
of certain
phrases and
words.

SECTION 2. Section eighty of said chapter one hundred and two is hereby amended by striking out all of said section after the word "operated", in the third line, and inserting in place thereof the following: — The words "operate", "operated" or "operating", in the two preceding sections, shall designate the person who, under the supervision of the licensed person in charge, operates any appurtenances of a boiler or engine: *provided, however*, that to work with a licensed person there may be employed not more than one unlicensed person who, in the presence of and under the personal direction of the licensed person, may operate the appurtenances of a boiler or engine, — so as to read as follows: — *Section 80.* The words "have charge" or "in charge", in the two preceding sections, shall designate the person under whose supervision a boiler or engine is operated. The words "operate", "operated" or "operating",

in the two preceding sections, shall designate the person who, under the supervision of the licensed person in charge, operates any appurtenances of a boiler or engine: *provided, however,* that to work with a licensed person there may be employed not more than one unlicensed person who, in the presence of and under the personal direction of the licensed person, may operate the appurtenances of a boiler or engine. Proviso.

SECTION 3. Section eighty-one of said chapter one hundred and two, as amended by section one of chapter three hundred and ten of the acts of the year nineteen hundred and five, is hereby further amended by striking out the said section, and inserting in place thereof the following: — *Section 81.* Whoever desires to act as engineer or fireman shall apply for a license therefor to the state inspector of boilers for the city or town in which he resides or is employed, upon blanks to be furnished by the boiler inspection department of the district police. The application shall be accompanied by a fee of one dollar, and shall show the total experience of the applicant. To be eligible for examination for a first class fireman's license, a person must have been employed as a steam engineer or fireman in charge of or operating boilers for not less than one year, or he must have held and used a second class fireman's license for not less than six months. To be eligible for examination for a third class engineer's license, a person must have been employed as a steam engineer or fireman in charge of or operating boilers for not less than one and one half years, or he must have held and used a first class fireman's license for not less than one year. To be eligible for examination for a second class engineer's license, a person must have been employed as a steam engineer in charge of a steam plant or plants having at least one engine of over fifty horse power for not less than two years, or he must have held and used a third class engineer's license for not less than one year, or have held and used a special license to operate a first class plant for not less than two years; except that any person who has served three years as apprentice to the machinist or boiler making trade in stationary, marine or locomotive engine or boiler works, and who has been employed for one year in connection with the operation of a steam plant, or any person graduated as a mechanical engineer from a duly recognized school of technology, who has been employed for one year in connection with the operation of a steam plant, shall be eligible for examination for a second class engineer's license. To be R. L. 102,
§ 81, etc.,
amended.

Licensing of
engineers
and firemen.

Licensing of
engineers and
firemen.

eligible for examination for a first class engineer's license, a person must have been employed for not less than three years as a steam engineer in charge of a steam plant or plants having at least one engine of over one hundred and fifty horse power, or he must have held and used a second class engineer's license in a second class or first class plant for not less than one and one half years. The applicant shall make oath to the statements contained in his application, and the members of the boiler inspection department of the district police are hereby authorized to administer the oath. Wilful falsification in the matter of a statement contained in an application shall be deemed a sufficient cause for the revocation of the license at any time. The applicant shall be given a practical examination, and, if found competent and trustworthy, he shall receive a license graded according to the merits of his examination. An applicant for a first class or second class engineer's license, or for a special license to operate a first class plant, or for a special license to have charge of a second class plant, shall be examined by a board of three examiners, one of whom may be the chief inspector, and, if the applicant is employed, one member of said board shall be the state inspector of boilers for the city or town in which the applicant is employed, and the decision of said board shall be final. The applicant shall have the privilege of having one person present during his examination, who shall take no part in the same, but who may take notes if he so desires. A period of ninety days shall elapse between examinations, except in the case of an appeal as hereinafter provided. A license shall continue in force until it is suspended or revoked for the incompetence or untrustworthiness of the licensee, except that a special license shall not continue in force after the holder thereof ceases to be employed in the plant specified in the license. A person whose license is suspended or revoked shall surrender his license to a member of the boiler inspection department. If a new license of a different grade is issued, the old license shall be destroyed by the examiner. If a license is lost, or is destroyed by fire or other means, a new license shall be issued in its place, without re-examination of the licensee, upon satisfactory proof of such loss or destruction to an examiner.

R. L. 102,
§ 82, etc.,
amended.

SECTION 4. Section eighty-two of said chapter one hundred and two, as amended by section two of chapter three hundred and ten of the acts of the year nineteen hundred and five, by chapter four hundred and fourteen of the acts of the

year nineteen hundred and six, and by section two of chapter three hundred and seventy-three of the acts of the year nineteen hundred and seven, is hereby further amended by striking out all after the word “boilers”, in the fifteenth line, and inserting in place thereof the words: — Portable class, to have charge of or to operate portable boilers and portable engines, except hoisting engines or steam fire engines. Steam fire engineers’ class, to have charge of or to operate steam fire engines and boilers. Firemen’s licenses: — Extra first class, to have charge of and operate any boiler or boilers. First class, to have charge of and operate any boiler or boilers where the safety valve or valves are set to blow at a pressure not exceeding twenty-five pounds to the square inch, or to operate high pressure boilers under the engineer or fireman in direct charge thereof. Second class, to operate any boiler or boilers under the engineer or fireman in direct charge thereof. A person holding an extra first class or first class fireman’s license may operate a third class plant under the engineer in direct charge of the plant. Special licenses: — A person holding an engineer’s or fireman’s license, who desires to have charge of or to operate a particular steam plant, may, provided that he holds an engineer’s or fireman’s license and that he files with his application for such examination a written request signed by the owner or user of said plant, be examined as to his competence for such service and no other, and, if found competent and trustworthy, he shall be granted a license for such service and no other: *provided, however*, that no special license shall be granted to give any person charge of an engine of over one hundred and fifty horse power, — so as to read as follows: — *Section 82.* Licenses shall be granted according to the competence of the applicant and shall be distributed in the following classes: — Engineers’ licenses: — First class, to have charge of and operate any steam plant. Second class, to have charge of and operate a boiler or boilers, and to have charge of and operate engines, no one of which shall exceed one hundred and fifty horse power, or to operate a first class plant under the engineer in direct charge of the plant. Third class, to have charge of and operate a boiler or boilers not exceeding in the aggregate one hundred and fifty horse power, and an engine not exceeding fifty horse power, or to operate a second class plant under the engineer in direct charge of the plant. Fourth class, to have charge of and operate hoisting and portable engines and boilers. Portable class, to have charge

R. L. 102,
§ 82, etc.,
amended.

Classes of
licenses.

Classes of
licenses.

of or to operate portable boilers and portable engines, except hoisting engines or steam fire engines. Steam fire engineers' class, to have charge of or to operate steam fire engines and boilers. Firemen's licenses: — Extra first class, to have charge of and operate any boiler or boilers. First class, to have charge of and operate any boiler or boilers where the safety valve or valves are set to blow at a pressure not exceeding twenty-five pounds to the square inch, or to operate high pressure boilers under the engineer or fireman in direct charge thereof. Second class, to operate any boiler or boilers under the engineer or fireman in direct charge thereof. A person holding an extra first class or first class fireman's license may operate a third class plant under the engineer in direct charge of the plant. Special licenses: — A person holding an engineer's or fireman's license, who desires to have charge of or to operate a particular steam plant, may, provided that he holds an engineer's or fireman's license and that he files with his application for such examination a written request signed by the owner or user of said plant, be examined as to his competence for such service and no other, and, if found competent and trustworthy, he shall be granted a license for such service and no other: *provided, however*, that no special license shall be granted to give any person charge of an engine of over one hundred and fifty horse power.

Proviso.

R. L. 102,
§ 83, etc.,
amended.

SECTION 5. Section eighty-three of said chapter one hundred and two is hereby amended by striking out the said section, and inserting in place thereof the following: — *Section 83.* The horse power of a boiler shall be ascertained upon a basis of three horse power for each square foot of grate surface or equivalent, when the safety valve is set to blow at a pressure exceeding twenty-five pounds per square inch, and on a basis of one and one half horse power for each square foot of grate surface or equivalent, when the safety valve is set to blow at twenty-five pounds pressure per square inch or less.

Horse power
of boilers.

The horse power of a reciprocating steam engine shall be ascertained upon the basis of a mean effective pressure of forty pounds per square inch of piston for a simple engine, fifty pounds for a condensing engine, and seventy pounds for a compound engine, calculated upon the area of the high pressure piston.

A steam turbine engine shall be rated at less than nine horse power when the external diameter of the steam supply pipe does not exceed one and three fourths inches. A steam

turbine engine shall be rated at fifty horse power when the external diameter of the steam supply pipe exceeds one and three fourths inches and does not exceed three and one half inches. A steam turbine engine shall be rated at one hundred and fifty horse power when the external diameter of the steam supply pipe exceeds three and one half inches and does not exceed five inches.

SECTION 6. Section eighty-four of said chapter one hundred and two, as amended by section three of chapter three hundred and seventy-three of the acts of the year nineteen hundred and seven, is hereby further amended by striking out the said section and inserting in place thereof the following: — *Section 84.* A person who is aggrieved by the action of an examiner in refusing, suspending or revoking a license, may appeal therefrom to the chief inspector of the boiler inspection department, who shall appoint three members of the boiler inspection department to act together as a board of appeal, one of whom may be said chief inspector. If an appeal is taken, it must be within one week after the decision of the examiner. The appellant shall have the privilege of having one person present during the hearing of his appeal, who shall take no part in the same but who may take notes if he so desires. The decision of the majority of the said examiners, acting as a board of appeal, shall be final.

R. L. 102,
§ 84, etc.,
amended.

Appeal from
decision of
examiner.

SECTION 7. Section eighty-five of said chapter one hundred and two, as amended by section four of chapter three hundred and seventy-three of the acts of the year nineteen hundred and seven, is hereby further amended by striking out the word "eight", in the thirteenth line, and inserting in place thereof the word: — nine, — so as to read as follows: — *Section 85.* An engineer's or fireman's license, granted under the provisions of the seven preceding sections or the corresponding provisions of earlier laws, shall be placed so as to be easily read in a conspicuous place in the engine room or boiler room of the plant operated by the holder of such license. The person in charge of a stationary steam boiler upon which the safety valve is set to blow off at more than twenty-five pounds pressure to the square inch, except boilers upon locomotives, motor road vehicles, boilers in private residences, boilers in apartment houses of less than five flats, boilers under the jurisdiction of the United States, boilers used for agricultural purposes exclusively, and boilers of less than nine horse power, shall keep

R. L. 102,
§ 85, etc.,
amended.

Licenses to
be displayed,
etc.

a daily record of the boiler, its condition when under steam and all repairs made and work done on it, upon forms to be obtained upon application from the boiler inspection department. These records shall be kept on file and shall be accessible at all times to the members of the boiler inspection department.

Time of
taking effect.

SECTION 8. This act shall take effect on the first day of January in the year nineteen hundred and twelve, and a license in force on the first day of January in the year nineteen hundred and twelve shall continue in force until it is suspended or revoked for the incompetence or untrustworthiness of the licensee, except that a special license shall not continue in force after the holder thereof ceases to be employed on the plant specified in the license. A license in force on the first day of January in the year nineteen hundred and twelve may be exchanged for a license of the same class under this act at any time thereafter, on application to the boiler inspection department of the district police, upon forms to be furnished by said department. The applicant shall make oath to the statements contained in the said application, and the members of the boiler inspection department of the district police are hereby authorized to administer the oath.

(The foregoing was laid before the Governor on the twelfth day of June, 1911, and after five days it had "the force of a law" as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 563 AN ACT RELATIVE TO THE MASSACHUSETTS BRICK COMPANY.

Be it enacted, etc., as follows:

1911, 363,
amended.

SECTION 1. Chapter three hundred and sixty-three of the acts of the year nineteen hundred and eleven, in so far as it applies to or affects the Massachusetts Brick Company, is hereby repealed, and the charter, organization and acts of that company shall remain of the same force and effect which they had at the time of the passage of said act.

SECTION 2. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the fourteenth day of June, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

AN ACT RELATIVE TO THE BOSTON AND EASTERN ELECTRIC RAILROAD COMPANY. *Chap. 564*

Be it enacted, etc., as follows:

SECTION 1. Public convenience and necessity require the construction of the Boston and Eastern electric railroad between the terminal points, and substantially upon the route, shown by the petition and plans filed with the board of railroad commissioners by the associates in an agreement for the formation of the Boston and Eastern Electric Railroad Company, and this act shall have the same force and effect as a certificate of public convenience and necessity issued by said board under the provisions of chapter five hundred and sixteen of the acts of the year nineteen hundred and six and of chapters five hundred and eighty-seven and six hundred and thirty of the acts of the year nineteen hundred and ten, and acts in amendment thereof and in addition thereto, except as is otherwise provided herein. The board of railroad commissioners, the Boston transit commission, and the joint board established by chapter six hundred and thirty of the acts of the year nineteen hundred and ten shall take all steps and make all orders which are required of them by law for the organization of the Boston and Eastern Electric Railroad Company precisely as if a certificate of public convenience and necessity had been issued by the board of railroad commissioners under said acts of the years nineteen hundred and six and nineteen hundred and ten.

Construction of the Boston and Eastern electric railroad.

SECTION 2. This act shall take effect upon its passage: *provided, however,* that all authority and power herein granted shall cease, — first, unless within thirty days thereafter the board of directors named in said agreement of association shall file with the treasurer and receiver general a bond to the commonwealth, in a form to be approved by the attorney-general, in the penal sum of one hundred thousand dollars, with sureties to be approved by the treasurer and receiver general, conditioned, upon the application within sixty days after the passage of this act by the said board of directors to the board of aldermen of each city, and to the selectmen of each town, in which the railroad is to be located to fix the route of the railroad, and upon an application, if the same be necessary, within one hundred and sixty days after the passage of this act, by the said board of directors to the board of railroad commissioners to fix said route, in accordance

Time of taking effect. Proviso.

with the provisions of sections six and seven of said chapter five hundred and sixteen of the acts of the year nineteen hundred and six, and acts in amendment thereof and in addition thereto; second, unless within sixty days after the incorporation of said company, it shall file with the treasurer and receiver general, a bond to the commonwealth, in form to be approved by the attorney-general, in the penal sum of four hundred thousand dollars, with sureties to be approved by the treasurer and receiver general, and conditioned upon the beginning of work, expenditure of at least ten per cent of the amount of the original capital stock, and the completion and opening for use of the entire railroad and tunnel hereinbefore authorized in accordance with the provisions of section one of chapter five hundred and eighty-seven of the acts of the year nineteen hundred and ten, and acts in addition thereto and in amendment thereof. The above provisions as to bonds shall be in addition to the requirements of all general laws not inconsistent herewith.

Obligations
of bond to
cease in cer-
tain cases.

SECTION 3. Upon the fulfillment of the conditions of either of the bonds required by section two of this act, the board of directors or the company may apply to the board of railroad commissioners and, if the board of railroad commissioners finds that said conditions have been fulfilled, it shall so certify to the treasurer and receiver general and all obligations under the bond as to which the conditions have been fulfilled shall thereupon cease and the treasurer and receiver general shall return said bond or bonds to said board of directors or to said company.

Repeal.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved June 22, 1911.*

Chap. 565 AN ACT TO AUTHORIZE THE TOWN OF WEST BRIDGEWATER
TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

1910, 138,
§ 5, amended.

SECTION 1. Section five of chapter one hundred and thirty-eight of the acts of the year nineteen hundred and ten is hereby amended by striking out the word "twenty", in the fourth line, and inserting in place thereof the word: — fifty, — and by striking out the words "or pledge the same for money borrowed", in the thirteenth and fourteenth lines, so as to read as follows: — *Section 5.* Said town, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time

Town of
West
Bridgewater
Water Loan,
Act of 1910.

to time bonds, notes or scrip to an amount not exceeding fifty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of West Bridgewater Water Loan, Act of 1910; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest payable semi-annually at a rate not exceeding five per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The town may sell such securities at public or private sale for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that the securities shall not be sold for less than the par value thereof. Proviso.

SECTION 2. Chapter twenty-seven of the acts of the year nineteen hundred and eleven is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.
Approved June 22, 1911.

AN ACT TO ESTABLISH A BOARD TO BE KNOWN AS TRUSTEES OF MASSACHUSETTS TRAINING SCHOOLS. Chap. 566

Be it enacted, etc., as follows:

SECTION 1. The board of trustees of the Lyman school for boys at Westborough and the state industrial school for girls at Lancaster and the board of trustees of the industrial school for boys at Shirley are hereby abolished. The management, government and care of all reformatory institutions for juveniles, except the reformatory at Concord, supported by the commonwealth for the custody, care and reformation of juvenile offenders shall be vested in a board of nine trustees, two of whom shall be women, to be appointed by the governor with the advice and consent of the council. Of the trustees first appointed under this act seven shall be selected from the members of the boards of trustees abolished by this act. The terms of office of the trustees shall begin on the first day of July following their appointment. Of the trustees first appointed under this act, two shall hold office for one year, two for two years, two for three years, two for four years and one for five years, or until their successors are appointed; and the governor shall appoint annually thereafter, in the month of June, a successor of each trustee whose term is about to expire, and such successor shall hold office for five years from the first day of July next ensuing. In case of vacancy in the board of trustees caused by resigna-

Certain boards abolished.

Board of trustees of Massachusetts training schools created.

tion, removal from the state or death of a trustee, the governor shall immediately appoint a person to fill the vacancy for the unexpired term. The said board shall be known as Trustees of Massachusetts Training Schools.

Secretary,
etc.

SECTION 2. The trustees shall appoint a secretary who shall not be a member of the board but shall be its executive officer and shall hold office during the pleasure of the trustees. He shall receive from the commonwealth a salary to be fixed by the trustees, subject to the approval of the governor and council, and his necessary expenses incurred in the performance of his official duties. He shall be provided with an office in or near the state house. The trustees may appoint a secretary pro tempore, who in the absence of the secretary shall perform his duties. They may appoint one of their members to act as secretary pro tempore. They may expend annually for clerical assistance and office expenses such sums as may be appropriated by the general court.

Rights and
powers of
trustees.

SECTION 3. The said trustees shall have the same rights and powers, be charged with the same duties, and be subject to the same responsibilities in regard to the said juvenile reformatory institutions and to the officers and inmates thereof as by law are given to or imposed upon the boards of trustees of the Lyman school for boys, the industrial school for girls at Lancaster and the industrial school for boys at Shirley, and shall in all respects succeed to the trusts, rights, powers and duties which by existing laws are vested in or imposed upon the said several boards of trustees abolished by this act.

Repeal.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Time of
taking effect.

SECTION 5. This act shall take effect on the first day of July in the year nineteen hundred and eleven.

Approved June 22, 1911.

Chap.567 AN ACT TO INCREASE THE NUMBER OF ASSOCIATE JUSTICES OF THE SUPERIOR COURT.

Be it enacted, etc., as follows:

Associate
justices of
the superior
court.

SECTION 1. The number of associate justices of the superior court shall be twenty-seven instead of twenty-four as now provided by law.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE LAKEVILLE STATE SANATORIUM. *Chap. 568*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated for the maintenance of the Lakeville state sanatorium for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Appropriations.

From the receipts of said sanatorium now in the treasury of the commonwealth, the sum of eleven thousand three hundred sixty-four dollars and twenty-two cents; and from the treasury of the commonwealth from the ordinary revenue, a sum not exceeding sixty-nine thousand one hundred fifty-five dollars and seventy-eight cents.

Lakeville state sanatorium.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1911.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE TAX COMMISSIONER AND COMMISSIONER OF CORPORATIONS. *Chap. 569*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the department of the tax commissioner and commissioner of corporations, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Appropriations.

For the salary of the tax commissioner and commissioner of corporations, five thousand dollars.

Tax commissioner, etc.

For the salary of the deputy commissioner, three thousand dollars.

Deputy.

For the salaries of the three assistants, seven thousand dollars.

Assistants.

For the salary of the first clerk, twenty-two hundred dollars.

First clerk.

For the salary of the second clerk, fifteen hundred dollars.

Second clerk.

For the salaries of the supervisors of assessors, six thousand dollars.

Supervisors of assessors.

For additional clerical assistance, a sum not exceeding forty thousand dollars.

Clerical assistance.

For incidental and contingent expenses, a sum not exceeding ten thousand dollars.

Expenses.

Travelling
expenses.

For travelling expenses of the commissioner and his deputy, and for travelling and other expenses of the supervisors of assessors, a sum not exceeding thirty-two hundred dollars.

Valuation
books.

For valuation books for assessors of cities and towns, a sum not exceeding one thousand dollars.

Annual
report.

For printing and binding the annual report and the table of aggregates, a sum not exceeding nineteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1911.

Chap.570 AN ACT MAKING AN APPROPRIATION FOR THE CARE OF THE CHARLES RIVER BASIN BY THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows:

Appropriation,
care of
Charles
river basin.

SECTION 1. A sum not exceeding ninety-one thousand nine hundred and seventy-five dollars is hereby appropriated, to be paid out of the Charles River Basin Maintenance Fund by the metropolitan park commission for the care of the Charles river basin, during the year ending on the thirtieth day of November, nineteen hundred and eleven, as authorized by chapter four hundred and sixty-five of the acts of the year nineteen hundred and three.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1911.

Chap.571 AN ACT MAKING AN APPROPRIATION FOR THE CARE AND MAINTENANCE OF WELLINGTON BRIDGE BY THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows:

Appropriation,
care of
Wellington
bridge.

SECTION 1. The sum of sixty-five hundred and twelve dollars is hereby appropriated, to be paid out of the Metropolitan Park System, Wellington Bridge, Maintenance Fund, for the care and maintenance of Wellington bridge, including draw-tenders, labor, lighting, watering, supplies and miscellaneous expenses, by the metropolitan park commission, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, in accordance with the provisions of chapter four hundred and ninety-one of the acts of the year nineteen hundred and one.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF *Chap.572*
THE RUTLAND STATE SANATORIUM.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated for the maintenance of the Rutland state sanatorium for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Appropriations.

From the receipts of said sanatorium now in the treasury of the commonwealth, the sum of fifty-seven thousand three hundred four dollars and eighty cents; and from the treasury of the commonwealth from the ordinary revenue, a sum not exceeding one hundred twenty-six thousand six hundred ninety-five dollars and twenty cents.

Rutland state sanatorium.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF *Chap.573*
THE WESTFIELD STATE SANATORIUM.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated for the maintenance of the Westfield state sanatorium for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Appropriations.

From the receipts of said sanatorium now in the treasury of the commonwealth, the sum of ten thousand seven hundred ninety-eight dollars and sixty-nine cents; and from the treasury of the commonwealth from the ordinary revenue, a sum not exceeding sixty-nine thousand two hundred one dollars and thirty-one cents.

Westfield state sanatorium.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF *Chap.574*
THE NORTH READING STATE SANATORIUM.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated for the maintenance of the North Reading state sanatorium for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Appropriations.

North Read-
ing state
sanatorium.

From the receipts of said sanatorium now in the treasury of the commonwealth, the sum of seventeen thousand two hundred thirty-eight dollars and seventeen cents; and from the treasury of the commonwealth from the ordinary revenue, a sum not exceeding sixty-one thousand seven hundred sixty-one dollars and eighty-three cents.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1911.

Chap. 575 AN ACT MAKING APPROPRIATIONS FOR CERTAIN EXPENSES OF THE TRUSTEES OF HOSPITALS FOR CONSUMPTIVES.

Be it enacted, etc., as follows:

Appropriations,
trustees of
hospitals for
consumptives.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the trustees of hospitals for consumptives, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Travelling
expenses,
etc.

For travelling and other necessary expenses of the trustees, to include the printing and binding of their annual report, a sum not exceeding nineteen hundred dollars.

Secretary.

For the salary of the secretary of the trustees, two thousand dollars.

Stenographer.

For the salary of the stenographer, one thousand dollars.

Clerical
services.

For extra clerical services, a sum not exceeding two hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1911.

Chap. 576 AN ACT TO PROVIDE FOR THE MAINTENANCE OF TUBERCULOSIS DISPENSARIES IN CITIES, AND TOWNS OF TEN THOUSAND INHABITANTS OR OVER.

Be it enacted, etc., as follows:

Maintenance
of tubercu-
losis dis-
pensaries.

Every city, and every town containing a population of ten thousand or more, as determined by the latest United States census, shall establish and maintain within its limits a dispensary for the discovery, treatment, and supervision of needy persons resident within its limits and afflicted with tuberculosis, unless there already exists in such city or town a dispensary which is satisfactory to the state board of health. The said dispensaries shall be subject to the regulations of the boards of health of the cities or towns in which they are

respectively situated. A city or town subject to the provisions of this act which, upon the request of the state board of health, refuses or neglects to comply with the provisions hereof, shall forfeit not more than five hundred dollars for every such refusal or neglect. *Approved June 22, 1911.*

AN ACT TO AUTHORIZE COMPENSATION IN CERTAIN CASES TO Chap. 577
PERSONS CONFINED WHILE AWAITING TRIAL.

Be it enacted, etc., as follows:

SECTION 1. Any person in this commonwealth who is kept in confinement awaiting trial for more than six months after having been indicted, and who is finally acquitted or discharged without trial, if the delay in trial was not at his request or with his consent or at the request or with the consent of his attorney of record may receive compensation for the period of his confinement after the lapse of said six months and until his acquittal or discharge: *provided*, that the payment of compensation is approved by the judge who presided at the trial, or in case of a discharge without trial, is approved by a justice of the superior court sitting at a session for criminal business in and for the county in which the indictment was found. Such compensation shall be paid by the county in which the indictment was found and shall be equivalent to the amount which the indicted person earned or received from his regular employment for any period of equal length during the two years immediately preceding his confinement; and if he had no employment, the compensation shall be such reasonable sum as shall be determined by the judge who presided at the trial, or, in case of a discharge without trial, by a justice of the superior court sitting at a session for criminal business in and for the county in which the indictment was found. The judge or justice, upon application by the person acquitted or discharged, shall give a hearing at which such person or his representative may be present, if he so desires, and the district attorney or other officer representing the commonwealth or the county may also be present, and the person acquitted or discharged and the commonwealth or county may offer testimony as in any civil case. The decision of the judge or justice shall be final.

Compensation, in cases of persons awaiting trial.

Proviso.

SECTION 2. This act shall take effect upon its passage.
Approved June 22, 1911.

Chap.578 AN ACT TO REQUIRE CERTAIN VEHICLES TO CARRY LIGHTS AT NIGHT ON PUBLIC HIGHWAYS AND BRIDGES.

Be it enacted, etc., as follows:

Certain vehicles to carry lights at night, etc.

Proviso.

Exemptions.

Penalty, in certain cases.

Not to affect provisions of existing statutes.

Driver, etc., to be deemed responsible.

Penalty.

SECTION 1. Every vehicle on wheels, whether stationary or in motion, on any public highway or bridge, shall have attached to it a light or lights which shall be so displayed as to be visible from the front and the rear during the period from one hour after sunset to one hour before sunrise: *provided, however*, that this act shall not apply to any vehicle which is designed to be propelled by hand, or to any vehicle while upon any lighted street or highway where street lights are maintained at a distance of five hundred feet apart or less, or to any vehicle designed for the transportation, as its principal freight, of hay or straw while loaded with such freight.

SECTION 2. Upon the written application and presentation of reasons therefor by the owner of a vehicle, the Massachusetts highway commission may, in writing, in such form and subject to such requirements as it may elect, and without expense to the applicant, exempt said vehicle from the provisions of this act for such period of time as said commission may elect.

SECTION 3. Any person who, while driving or in charge of or occupying a vehicle during the period from one hour after sunset to one hour before sunrise, shall refuse, when requested by a police officer, to give correctly his name and address, shall be punished as provided in section six of this act.

SECTION 4. Nothing contained in this act shall be construed to affect the provisions of any existing statute, rule or regulation requiring lighted lamps on motor vehicles and the obligations of operators or occupants thereof.

SECTION 5. The driver or custodian of a vehicle shall be deemed to be the responsible party and liable to the penalty as provided in this act for a violation thereof.

SECTION 6. Any person violating the provisions of this act shall be subject to a fine not exceeding five dollars.

Approved June 22, 1911.

AN ACT RELATIVE TO THE RECONSTRUCTION AND RELOCATION OF THE RAILROAD AND HIGHWAY BRIDGE OVER THE TAUNTON GREAT RIVER BETWEEN FALL RIVER AND SOMERSET. Chap. 579

Be it enacted, etc., as follows:

SECTION 1. The bridge which, by the provisions of section one of chapter six hundred and fifty-four of the acts of the year nineteen hundred and ten, the Old Colony Railroad Company was authorized to reconstruct, shall be reconstructed and located at a point northerly of the bridge commonly known as Slade's Ferry bridge, mentioned in said section, but at a distance, measured at the shore line from centre to centre, not exceeding one hundred and twenty-five feet at the easterly abutment, and sixty feet at the westerly abutment: *provided, however*, that any increased cost of construction or maintenance incurred by reason of the change of location hereby authorized shall be borne by the Old Colony Railroad Company. Reconstruction of bridge over Taunton Great river.

Proviso.

SECTION 2. So much of section one of said chapter six hundred and fifty-four as is inconsistent herewith is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved June 22, 1911.

AN ACT TO AUTHORIZE THE CITY OF PITTSFIELD TO TAKE LAND OR EASEMENTS FOR WATER MAINS FOR THE PURPOSE OF CONDUCTING WATER FROM THE FARNHAM RESERVOIR, SO-CALLED, IN WASHINGTON TO THE CITY OF PITTSFIELD. Chap. 580

Be it enacted, etc., as follows:

SECTION 1. The city of Pittsfield, acting by its board of public works, is hereby authorized to take, for the purpose of conducting water taken by the said city under the provisions of chapter five hundred and fourteen of the acts of the year nineteen hundred and seven, through the towns of Washington and Lenox, and through and in said city, any lands, rights of way, easements and property necessary for the laying, constructing and maintaining of water mains, water pipes and structures and appliances requisite for the said purpose. The city of Pittsfield may take certain land, etc.

SECTION 2. The provisions of sections three and four of said chapter five hundred and fourteen shall apply to the Certain provisions of law to apply.

said takings by the city of Pittsfield and to the payment of damages therefor.

May supply
water to a
part of the
town of
Lenox.

SECTION 3. The city of Pittsfield is hereby authorized to supply water for domestic purposes, and for the extinguishment of fires, to that part of the town of Lenox called New Lenox which is within two miles of the northeast corner of the said town, on such terms and conditions as may be mutually agreed upon by said city and the town of Lenox. In case they cannot agree the state board of health may determine the terms and conditions.

SECTION 4. This act shall take effect upon its passage.

Approved June 22, 1911.

Chap. 581 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO CONSTRUCT, RECONSTRUCT AND REPAIR CERTAIN BRIDGES BETWEEN SAID CITY AND CHELSEA, WINTHROP AND EVERETT.

Be it enacted, etc., as follows:

Construc-
tion, etc.,
of certain
bridges, etc.

SECTION 1. Upon the application of the city of Boston, after a vote thereupon by its city council, to any justice of the supreme judicial court, and after notice to and hearing of the cities of Boston and Chelsea, the towns of Revere and Winthrop, and such other cities and towns and street railway corporations as are affected by the application, said court shall appoint three disinterested persons as commissioners, neither of whom shall reside in either of said cities or towns, who, after notice and a hearing, shall apportion among the cities and towns which receive special benefits from the bridges hereinafter named a just and equitable share of the cost of construction, reconstruction, repairs and maintenance of said bridges, and shall also assess upon any street railway having a location upon any of said bridges a just and equitable share of the cost of construction and repairs: *provided, however*, that no costs shall be so assessed for any work done or contracted for previous to the passage of this act. Said bridges are, (1) Chelsea bridge, so-called, between Charlestown and Chelsea; (2) Meridian street bridge between East Boston and Chelsea; (3) Chelsea street bridge between East Boston and Chelsea.

Proviso.

The city of
Boston to
pay cost in
the first in-
stance.

SECTION 2. Said bridges, or any of them, or any authorized substitute for any of them, shall be constructed or repaired by the city of Boston when appropriations therefor have duly been made by its city council, and the city of Boston is hereby authorized and empowered to collect from

the cities, towns and street railway companies aforesaid the amounts apportioned to them by said commission, on application to the supreme judicial court or any justice thereof, or to the superior court or any justice thereof, and said courts shall have jurisdiction in equity or otherwise to enforce said payments.

SECTION 3. After such construction or repairs said bridges shall be maintained by such cities or towns as are now by law responsible for their maintenance, but said commission may, under the provisions of section one, decide what, if any, cities or towns shall contribute to said maintenance and in what proportions, and the supreme judicial and superior courts shall have jurisdiction in equity or otherwise to enforce the payment thereof. Maintenance.

SECTION 4. Such parts of sections eight and nine of chapter twenty of the Revised Laws as are inconsistent herewith, chapter one hundred and sixty-five of the acts of the year eighteen hundred and ninety-four, and all other acts or parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 5. If any contract exists between the city of Boston and the city of Chelsea which prevents the carrying out of this act in any part, such contract shall not be impaired by this act, and if the Boston and Northern Street Railway Company, formerly the Lynn and Boston Railroad Company, and the Chelsea and Boston Railroad Company have any rights in the present Chelsea bridge which must as a matter of law exist in any new structure, such rights shall not be affected by this act. Certain contracts not impaired, etc.

SECTION 6. This act shall take effect upon its passage.
Approved June 22, 1911.

AN ACT RELATING TO THE DISPOSITION OF THE REAL ESTATE OF THE FIRST BAPTIST SOCIETY IN CHELSEA AND THE FIRST BAPTIST CHURCH OF CHELSEA. Chap. 582

Be it enacted, etc., as follows:

SECTION 1. The First Baptist Church of Chelsea, a religious corporation duly organized and existing under the laws of the commonwealth, is hereby authorized to dispose of, sell and convey in fee simple, by mortgage, lease, or otherwise, any part or the whole of the real estate owned by it in the city of Chelsea, and a vote duly passed by a majority of the members of said corporation present and voting either in person or by proxy at any meeting of the corporation duly Disposition of the real estate of the First Baptist Society in Chelsea, etc.

Certain grants, sales, etc., ratified.

Same subject.

called, shall be sufficient authority for the corporation to sell and convey, or otherwise dispose of, as aforesaid.

SECTION 2. Any and all grants, sales or conveyances, either by deed in fee simple, by mortgage, lease, or otherwise, heretofore made by the First Baptist Church of Chelsea, and all acts, and things done or attempted to be done by said corporation regarding any sale, conveyance, or other disposition, of any part or the whole of its real estate in the city of Chelsea, whether by deed in fee simple, mortgage, lease, or otherwise are hereby ratified and made valid.

SECTION 3. Any and all grants, sales, gifts, and conveyances, either by deed in fee simple, by mortgage, lease, or otherwise, heretofore made by the First Baptist Society in Chelsea, a religious corporation duly organized and formerly existing under the laws of the commonwealth, being the corporation mentioned in chapter one hundred and sixty-nine of the acts of the year eighteen hundred and eighty-eight, and all acts and things done or attempted to be done by said corporation regarding any grant, sale or conveyance of any part or the whole of its real estate in the city of Chelsea, whether by deed in fee simple, mortgage, lease, or otherwise, are hereby ratified and made valid.

SECTION 4. This act shall take effect upon its passage.
Approved June 22, 1911.

Chap.583 AN ACT RELATIVE TO THE ANNEXATION OF THE TOWN OF HYDE PARK TO THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1911, 469,
§ 17,
amended.

Acceptance of act providing for the annexation of the town of Hyde Park to the city of Boston.

SECTION 1. Section seventeen of chapter four hundred and sixty-nine of the acts of the year nineteen hundred and eleven is hereby amended by striking out the word "twelve", in the third line of the act as engrossed, and inserting in place thereof the word: — eleven, — so as to read as follows: — *Section 17.* If this act shall be accepted as herein provided, it shall take effect after the Tuesday next following the first Monday in November in the year nineteen hundred and eleven, so far as to authorize, legalize and carry into effect the provisions of the sixth, seventh, eighth, ninth and tenth sections of this act; but for all other purposes, except as mentioned in section sixteen of this act, it shall take effect on the first Monday of January in the year nineteen hundred and twelve.

SECTION 2. This act shall take effect upon its passage.
Approved June 22, 1911.

AN ACT TO PROHIBIT EMPLOYERS FROM IMPOSING A FINE *Chap.584*
FOR IMPERFECTIONS IN WEAVING.

Be it enacted, etc., as follows:

SECTION 1. No employer shall impose a fine upon an employee engaged at weaving for imperfections that may arise during the process of weaving. Fines not to be imposed for imperfections in weaving. Penalty.

SECTION 2. Any employer who violates the provisions of this act shall be punished by a fine not exceeding one hundred dollars for the first offence, and not exceeding three hundred dollars for any subsequent offence.

Approved June 22, 1911.

AN ACT TO AUTHORIZE THE TOWN OF MARSHFIELD TO REFUND *Chap.585*
CERTAIN NOTES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of paying certain outstanding notes amounting to twenty thousand dollars, the town of Marshfield is hereby authorized to borrow the said sum and to issue notes or bonds therefor. Such notes or bonds shall be for one thousand dollars each, payable two each year in the years nineteen hundred and twelve to nineteen hundred and twenty-one, both inclusive. The notes or bonds shall be signed by the treasurer and countersigned by the selectmen, or by a majority thereof, and shall bear interest not exceeding four per cent per annum. The money required to pay the interest on said notes or bonds in each year, and that part of the principal which becomes due in that year, shall be raised by taxation in the same manner in which the other expenses of the town are provided for. The town of Marshfield may refund certain notes.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1911.

AN ACT RELATIVE TO THE TAKING OF CEMETERY AND PARK *Chap.586*
LANDS FOR THE PURPOSE OF ALTERING A GRADE CROSSING
IN THE TOWN OF LEOMINSTER.

Be it enacted, etc., as follows:

SECTION 1. Chapter six hundred and twenty of the acts of the year nineteen hundred and ten is hereby repealed. 1910, 620, repealed.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1911.

Chap. 587 AN ACT TO DEFINE THE LIMITS OF THE CHARLES RIVER DAM.*Be it enacted, etc., as follows:*1909, 524,
§ 2, amended.Defining
the word
"basin."

SECTION 1. Section two of chapter five hundred and twenty-four of the acts of the year nineteen hundred and nine is hereby amended by adding at the end thereof the following: — The word "basin" shall also mean so much of the sidewalks and road forming an approach to, or connection with, said dam as lies between the westerly side line of Charles street in the city of Boston extended in an unbroken straight line in a northeasterly direction across said sidewalks and road, and the easterly side line of Commercial avenue in the city of Cambridge extended in an unbroken straight line in a northeasterly direction across said sidewalks and road.

SECTION 2. This act shall take effect upon its passage.

*Approved June 22, 1911.***Chap. 588** AN ACT TO PROVIDE FOR THE APPOINTMENT OF ADMINISTRATORS OF ESTATES OF DECEASED PERSONS WITH THE WILL ANNEXED.*Be it enacted, etc., as follows:*R. L. 137,
§ 6, amended.

SECTION 1. Section six of chapter one hundred and thirty-seven of the Revised Laws is hereby amended by striking out the word "twenty" in the fourth and eighth lines, and inserting in place thereof in each instance, the word: — thirty, — and by striking out the words "to such person as would have been entitled thereto if the deceased had died intestate", in the sixth, seventh and eighth lines, and inserting in place thereof the words: — to any person interested in the will of said deceased, to any creditor of the deceased or to any suitable person, — and by inserting at the end of said section the following: — If a person named as executor in a will petitions for the probate of the same and dies, declines or for any reason becomes unable to act before final decree is entered on said petition, any person interested in the will of said deceased, or any creditor of the deceased, or any suitable person, may, on petition, be allowed to enter and to prosecute the original petition for probate, to apply for letters of administration with the will annexed, and to act and proceed in any proposed compromise under the provisions of sections fifteen and sixteen of chapter one hundred

and forty-eight of the Revised Laws and all acts in amendment thereof, — so as to read as follows: — *Section 6.* If no executor is named in a will, or if all the executors therein named are dead or incompetent or refuse to accept the trust, or if, after being duly cited for the purpose, the executor neglects to accept the trust, or neglects for thirty days after the probate of the will to give bond according to law, the court shall commit administration of the estate, with the will annexed, to any person interested in the will of said deceased, to any creditor of the deceased or to any suitable person; but after the expiration of said thirty days, and before letters of administration with the will annexed have been granted, the court may grant letters testamentary to any person named as executor who gives the bond required by law. If a person named as executor in a will petitions for the probate of the same and dies, declines or for any reason becomes unable to act before final decree is entered on said petition, any person interested in the will of said deceased, or any creditor of the deceased, or any suitable person, may, on petition, be allowed to enter and to prosecute the original petition for probate, to apply for letters of administration with the will annexed, and to act and proceed in any proposed compromise under the provisions of sections fifteen and sixteen of chapter one hundred and forty-eight of the Revised Laws and all acts in amendment thereof.

Adminis-
trators with
the will
annexed.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1911.

AN ACT TO REGULATE THE RESTRAINT OF PATIENTS IN PUBLIC OR PRIVATE HOSPITALS OR SANATORIUMS FOR THE INSANE.

Chap. 589

Be it enacted, etc., as follows:

SECTION 1. On and after the first day of August in the year nineteen hundred and eleven, no restraint in the form of muffs or mitts with patent lock buckles or waist straps, wristlets, anklets or camisoles, head straps, protection sheets or simple sheets when used for restraint, or other apparatus or device interfering with free movement, shall be imposed upon any patient in any public or private hospital, sanatorium or other institution for the care or custody of the insane in this commonwealth unless it is applied in the presence of the superintendent, or of the physician or of an assistant physician of the hospital, sanatorium or other institution,

Restraint of
patients in
certain
institutions,
regulated.

or on his written order, which order shall be preserved in the files or records of the institution; and such application shall be made only in cases of extreme violence, active homicidal or suicidal condition, physical exhaustion, infectious disease, or following an operation or accident which has caused serious bodily injury, except that in cases of emergency restraint may be imposed without the presence of the superintendent, the physician or assistant physician, and without a written order; but every such emergency case, after the imposition of such restraint, shall immediately be reported to the superintendent or to the physician or assistant physician of the institution, who shall immediately investigate the case, and approve or disapprove the restraint imposed.

Records to
be kept, etc.

SECTION 2. The superintendent or head physician shall cause records of all restraint to be kept in a book which shall be provided for that purpose by the superintendent or head physician. The book shall be open for inspection at all times by the trustees or other persons having control of the hospital, sanatorium or institution, the state board of insanity, the governor and council, and members of the general court, and shall contain a complete record relative to the restraint, including the cause for restraint, the form used, the name of the patient, the time when the patient was placed under restraint and the time when he was released. Restraint, within the meaning of this act, shall also include therapeutic and chemical restraint and confinement in a strong room, or seclusion in solitary confinement, except when the patients are placed in their rooms for the night.

Implements
to be kept
under lock
and key.

SECTION 3. The superintendent or head physician, or in his absence one of the assistant physicians, shall keep personally under lock and key all implements or apparatus of restraint not in actual use.

Not to apply
in certain
cases.

SECTION 4. The provisions of this act shall not apply to the prolonged bath, to the hot or cold pack, or to medication when used as a remedial measure and not as a form of restraint.

Penalty.

SECTION 5. Any supervisor, attendant, or other employee of any institution affected by this act, who shall knowingly violate or willingly permit to be violated any provision hereof shall be deemed guilty of a misdemeanor and may be fined not less than fifty dollars nor more than three hundred dollars for each offence.

SECTION 6. This act shall take effect upon its passage.

Approved June 22, 1911.

AN ACT MAKING AN APPROPRIATION FOR BAND CONCERTS IN THE METROPOLITAN PARK RESERVATIONS. *Chap. 590*

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding twenty-five thousand dollars is hereby appropriated, to be expended during the present fiscal year out of the Metropolitan Parks Maintenance Fund, to enable the metropolitan park commission to provide band concerts in such parks and parkways or in such other lands under its control as it may select, and at such times as it may deem expedient.

Appropriation for band concerts in reservations.

SECTION 2. This act shall take effect upon its passage.

Approved June 23, 1911.

AN ACT TO PROVIDE FOR THE WIDENING OF PLEASANT STREET IN THE CITY OF BOSTON. *Chap. 591*

Be it enacted, etc., as follows:

SECTION 1. The board of street commissioners of the city of Boston, with the approval of the mayor, may, as hereinafter provided, widen and construct Pleasant street from Washington street to Eliot street at Park square.

Widening of Pleasant street in Boston.

SECTION 2. The said widening and construction and the assessment of the betterments therefor shall be made in accordance with the provisions of chapter three hundred and ninety-three of the acts of the year nineteen hundred and six, with the following exception: — If a street railway location is applied for within six months after this act takes effect, as hereinafter provided, the said location shall be granted to the street railway company applying for the same only upon condition that said company shall pay to the city toward the expense of the aforesaid street construction that part of the total cost of said construction which is due to the extra width of said street required for two railway tracks; and the remainder of the cost of said widening and construction, beyond that paid by said company, shall be regarded as the assessable cost of the improvement to be assessed upon the estates benefited to the extent specified in, and in accordance with the terms of, said chapter three hundred and ninety-three. If the street commissioners, with the approval of the mayor, cannot agree with the company as to the amount to be paid by it toward the cost of said improvement, the city of Boston or the company may petition the supreme judicial

To be made in accordance with certain provisions of law.

court, sitting in equity, to appoint a commission to determine the amount to be paid by the company, and the said court may confirm or modify the award of the commissioners and may make such order or decree as it may deem proper in the premises to enforce the payment of the award of the said commission as confirmed or modified by the court.

Assessment
of better-
ments.

SECTION 3. If a location is not applied for and granted within six months after this act takes effect, as hereinafter provided, no location on said street shall be granted until after the assessment of the betterments on the estates benefited by said widening, and then only on the payment by said company to the city of a sum which bears the same proportion to the whole cost of said construction that is borne by the width of the location to the total width of the street as widened.

Powers of the
street com-
missioners.

SECTION 4. If no application is made for a location within six months after the acceptance of this act, as hereinafter provided, the street commissioners, after the expiration of said six months, shall determine the width of the street, and shall lay out and construct the same. If the width so determined shall include space for one or more tracks of a street railway company, that fact shall be entered upon the records of the street commissioners, together with their estimate of the cost to the city of the construction of that part of the said widened street which provided space for the said track or tracks.

Payment of
expenses.

SECTION 5. The treasurer of the city of Boston, to pay the expenses incurred for said widening and construction, shall from time to time issue and sell negotiable bonds of the said city to an amount not exceeding nine hundred thousand dollars; and shall hold the proceeds of said bonds in the treasury of the city and pay therefrom the expenses aforesaid. Said bonds shall not be reckoned in determining the statutory limit of indebtedness of the city.

Time of
taking effect.

SECTION 6. This act shall take effect upon its acceptance by the mayor and city council of the city of Boston.

(The foregoing was laid before the Governor on the nineteenth day of June, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

AN ACT RELATIVE TO ANNUAL PAYMENTS TO BE MADE TO THE MASSACHUSETTS AGRICULTURAL COLLEGE BY THE COMMONWEALTH. *Chap. 592*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned shall be paid annually from the treasury of the commonwealth, in equal quarterly instalments, on the first days of December, March, June and September, to the treasurer of the Massachusetts Agricultural College, for the purposes specified, to wit: — For the general administration of the college, the sum of twenty-five thousand dollars; for teaching equipment and for the general maintenance of the college, including heat, light, water, and labor, the sum of fifty-eight thousand dollars; for agricultural investigations and experiments, including maintenance of the Massachusetts agricultural experiment station, the sum of ten thousand five hundred dollars; for providing the theoretical and practical instruction required by the charter of the college and by the laws of the United States relating thereto, the sum of sixty thousand dollars; for short courses and extension work in agriculture, the sum of twenty thousand dollars; for the inspection of commercial feed stuffs, the sum of three thousand dollars.

Certain payments to be made to the Massachusetts Agricultural College.

SECTION 2. The books and accounts of the college and of the experiment station shall be kept under the direction of the auditor of the commonwealth, who shall audit the expenditures and receipts at least twice a year, and as much oftener as in his judgment may be necessary.

Audit of expenditures.

SECTION 3. Chapter six hundred and twenty-seven of the acts of the year nineteen hundred and ten, and all acts and parts of acts inconsistent herewith, are hereby repealed.

Repeal.

SECTION 4. This act shall take effect on the first day of December, nineteen hundred and eleven.

Time of taking effect.

Approved June 26, 1911.

AN ACT TO COMPEL A DISCLOSURE OF THE NAMES OF WITNESSES IN CERTAIN CASES. *Chap. 593*

Be it enacted, etc., as follows:

Section sixty-three of chapter one hundred and seventy-three of the Revised Laws is hereby amended by adding at the end thereof the following: — But the court may compel a party to disclose the names of witnesses and their addresses,

R. L. 173, § 63, amended.

Privileges
of party
interrogated.

if justice seems to require it, upon such terms and conditions as the court may deem expedient, where the names of witnesses are in the exclusive possession of one party to the action, — so as to read as follows: — *Section 63.* The party interrogated shall not be obliged to answer a question or produce a document if it would tend to criminate him, or to disclose his title to any property the title whereof is not material to the trial of the action in the course of which he is interrogated, or to disclose the names of the witnesses by whom, or the manner in which, he proposes to prove his own case. But the court may compel a party to disclose the names of witnesses and their addresses, if justice seems to require it, upon such terms and conditions as the court may deem expedient, where the names of witnesses are in the exclusive possession of one party to the action.

Approved June 26, 1911.

Chap.594 AN ACT RELATIVE TO THE INSTRUCTION AND DRILL OF THE
VOLUNTEER MILITIA.

Be it enacted, etc., as follows:

1908, 604,
§ 162,
amended.

Company
drill, etc.

Provisos.

SECTION 1. Chapter six hundred and four of the acts of the year nineteen hundred and eight is hereby amended by striking out section one hundred and sixty-two and inserting in place thereof the following: — *Section 162.* In addition to the duty required by sections one hundred and fifty-one and one hundred and fifty-two, and to any duty that may be required under the provisions of sections one hundred and forty-one, one hundred and forty-two and one hundred and sixty, every company of the volunteer militia shall assemble for instruction and drill at least twice in each month and oftener upon the orders of the company commander or his superior commanding officers: *provided, however,* that in the discretion of the company commander, or of his superior commanding officer, all or part of the drills herein required may be omitted in the two months next following the calendar month in which the annual camp duty prescribed by section one hundred and fifty-two is performed, and such target practice or other exercises as they may direct may be substituted therefor; and *provided, further,* that each organization of the volunteer militia shall drill at least twenty-four times in each year as required by the act of congress approved January twenty-third, nineteen hundred and three. Regimental, battalion, or squadron drills may be held in

place of company drills; and transportation to and from the place of such drills shall be furnished by the quartermaster general for the companies, batteries or troops composing the regiment, battalion or squadron, if authorized by the commander-in-chief.

SECTION 2. Ten of the drills or meetings for target practice or other exercises required by section one hundred and sixty-two of said chapter six hundred and four, as amended by section one of this act shall, in each year, be designated by the commander-in-chief to be held at such times, places, and for such purposes as he may prescribe in orders. Such drills shall be of not less than one and one half hours each in duration, and shall, for convenience, be designated as “rendezvous drills”. No more than two of such rendezvous drills shall be prescribed or held during any one calendar week.

Time of drills or meetings for target practice.

SECTION 3. For attendance at each rendezvous drill at which at least three fourths of the maximum enlisted strength of the company is present, there shall be allowed and paid to the enlisted men of that company of the volunteer militia as follows: first sergeant, company quartermaster sergeant, stable sergeant, sergeant, cook, musician, chief petty officer, petty officer, first class, and petty officer, second class, one dollar and twenty cents; corporal and petty officer, third class, one dollar and five cents; all other enlisted men, ninety cents; and in addition thereto an amount equal to twenty per cent of said grade pay for each period of three years of service in the volunteer militia in excess of the first three years of such service, but not exceeding, in any event, sixty per cent of said grade pay: *provided, however*, that an enlisted man shall not be entitled to receive the pay provided for in this section unless he shall perform at least six days of camp duty in the same year under the provisions of section one hundred and fifty-two of chapter six hundred and four of the acts of the year nineteen hundred and eight, and shall also, in the same year, make such record scores with the prescribed weapon of his arm of the service as the commander-in-chief shall require; and *provided, further*, that he shall not, prior to the fifteenth day of November in the same year, have been dishonorably discharged from the military or naval service of the commonwealth, or discharged therefrom for the best interests of the service or for cause predicated upon unfaithful or inefficient service.

Allowances for attendance at drills, etc.

Provisos.

SECTION 4. For each absence from a rendezvous drill, an enlisted man not on furlough shall in addition to the loss of

Absences from drill, etc.

pay provided for in section three of this act, forfeit to the commonwealth an amount equal to the amount of pay which he would have been entitled to receive if he had been present at such drill, the amounts so forfeited, if any, to be deducted annually from the total pay due such enlisted man for attendance at rendezvous drills since the first day of November of the preceding year: *provided, however*, that the forfeitures for absence in the period from November first of any one year to and including October thirty-first of the year following, shall not exceed in the aggregate the total amount which shall be found to be due the soldier for attendance at rendezvous drills during that period.

Proviso.

Payments
to be made
annually,
etc.

SECTION 5. Payments to enlisted men under the provisions of this act shall be made annually, as soon after December first as practicable, on rolls and accounts in such form as the commander-in-chief may prescribe. Pay rolls shall include the period from November first of one year to October thirty-first of the year following, both of said dates inclusive, shall bear the names of all enlisted men who have served the whole or any part of said period, and shall contain such data as to attendance, absences, forfeitures, and authorized stoppages, and such remarks, as will enable the adjutant general to compute the amount, if any, due to each of said enlisted men. Said rolls and accounts shall be transmitted to the adjutant general on or before the fifteenth day of November next following the end of the period for which they are rendered, and shall be certified by him, if correct, and then presented to the auditor of the commonwealth for allowance.

Charges for
lost prop-
erty, etc.

SECTION 6. Company commanders shall charge on the annual pay roll prescribed in section five of this act against each soldier, all arms, equipments, clothing, and other public property lost or damaged through fault or neglect of the soldier charged therewith. All such articles lost shall be enumerated, and the adjutant general shall deduct the value thereof from the soldier's pay, and credit the officer accountable for the articles with the amount so deducted on the property account in which said losses are certified. When the soldier is charged for damage to public property, the cost of repairing the damage shall be entered on the pay roll, and the adjutant general shall deduct a like sum from the soldier's pay, and the amount so deducted shall be paid to the company fund of the soldier's company. If the amount due to the soldier, after deducting forfeitures for absence, is not equal

to the sum of the foregoing stoppages, such amount as may be due shall be first applied, so far as it will go, to the reimbursement of the United States or the commonwealth for public property lost, and secondly to the reimbursement of the company fund, as far as is possible, for the cost of repairing damage to public property.

SECTION 7. When the enlisted men of the volunteer militia shall receive from the United States government any pay for attendance at rendezvous drills for which state pay is provided by this act, said state pay shall be reduced by the amounts so received from the United States government: *provided, however*, that when the amounts received from the United States government for such drills are less than the amounts provided for in this act, the deficiency shall be paid by the commonwealth.

State pay to be reduced in certain cases.

Proviso.

SECTION 8. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 9. This act shall take effect upon its passage.

Approved June 27, 1911.

AN ACT TO PROVIDE FOR THE MAINTENANCE AT THE REFORMATORY FOR WOMEN, THE MASSACHUSETTS REFORMATORY AND THE STATE FARM OF DEPARTMENTS FOR DEFECTIVE DELINQUENTS.

Chap. 595

Be it enacted, etc., as follows:

SECTION 1. If in any case where a court might by way of final disposition commit an offender to the state prison, the reformatory for women, or any jail or house of correction, or to the Massachusetts reformatory, the state farm, or to the industrial school for boys, the industrial school for girls, the Lyman school, any truant school, or the custody of the state board of charity, for an offence not punishable by death or imprisonment for life, it shall appear that the offender has committed the offence with which he is charged, is mentally defective, and is not a proper subject for the schools for the feeble-minded, or for commitment as an insane person, the court may commit such offender to a department for defective delinquents, hereinafter established, according to the age and sex of the defendant as hereinafter provided.

Commitments to department for defective delinquents.

SECTION 2. If an offender while under commitment to any of the institutions or to the board named in section one of this act persistently violates the regulations of the institution or board in whose custody the offender is, or conducts

Violation of regulations, etc.

himself or herself so indecently or immorally, or otherwise so grossly misbehaves as to render himself or herself an unfit subject for retention in said institution or by said board, and it appears that such offender is mentally defective and is not a proper subject for the schools for the feeble-minded, the physician in attendance at such institution or a physician employed by said board shall make a report thereof to the officer in charge of said institution or to the superintendent of minor wards of said board, who shall transmit the same to one of the judges mentioned in section twenty-nine of chapter five hundred and four of the acts of the year nineteen hundred and nine. The judge shall make inquiry into the facts and, if satisfied that the offender is mentally defective and is not a proper subject for the schools for the feeble-minded, shall order the removal of the offender to a department for defective delinquents, hereinafter established, according to the age and sex of the defendant as hereinafter provided.

Certificate
of mental
defectiveness
to be filed,
etc.

SECTION 3. No person shall be committed to a department for defective delinquents under the two preceding sections unless there has been filed with the judge a certificate of the mental defectiveness of such person by two physicians qualified as provided in section thirty-two of chapter five hundred and four of the acts of the year nineteen hundred and nine and acts in amendment thereof or in addition thereto. The fees of the certifying physicians shall be of the amount and paid in the manner provided for like service in said chapter five hundred and four, and acts in amendment thereof and in addition thereto.

Violation of
regulations,
etc.

SECTION 4. If an inmate of a school for the feeble-minded persistently violates the regulations of the school, or conducts himself or herself so indecently or immorally, or so grossly misbehaves as to render himself or herself an unfit subject for retention therein, the officer in charge of the school shall make a report thereof to one of the judges mentioned in section twenty-nine of said chapter five hundred and four. The judge shall make inquiry into the facts and, if satisfied that such inmate is not a fit subject for retention in the said school, shall order the removal of the inmate to a department for defective delinquents, hereinafter established, according to the age and sex of the inmate as hereinafter provided.

Departments
for defective
delinquents,
etc.

SECTION 5. At the reformatory for women, the Massachusetts reformatory, and the state farm there shall be main-

tained departments to be termed departments for defective delinquents, for the custody of persons committed thereto under this act. All male persons under twenty-one years of age committed under the provisions of this act shall be committed to the department at the Massachusetts reformatory. Men twenty-one years of age, or over, committed under this act shall be committed to the department at the state farm. All women and girls committed under this act shall be committed to the department at the reformatory for women. All persons committed to the departments for defective delinquents hereby established at the reformatory for women and the Massachusetts reformatory shall be and remain in the custody of the board of prison commissioners until discharged as hereinafter provided, and all persons committed to the department for defective delinquents hereby established at the state farm shall be and remain in the custody of the trustees of the state farm until discharged as hereinafter provided.

SECTION 6. The prison commissioners and the trustees of the state farm may, respectively, parole inmates of the departments for defective delinquents, herein provided for, at their respective institutions, on such conditions as they deem best, and they may at any time recall to the institution any inmate paroled. Parole, etc.

SECTION 7. Any person may apply at any time to the justice of the district, police or municipal court in whose jurisdiction a department for defective delinquents is located for the discharge of any inmate of said department. A hearing shall thereupon be held by said justice, of which notice shall be given to the applicant and to the person in charge of the institution where the inmate is confined. If after the hearing the justice shall find that it is probable that the inmate can be suffered at large without serious injury to himself or herself, or damage or injury or annoyance to others, the authorities having custody of said inmate shall parole the inmate. Further action on the application for the inmate's discharge shall be suspended for one year from the date of his or her parole. If at the end of said year the justice of the court where the application was filed shall find that said inmate can be suffered to be permanently at large without serious injury to himself or herself, or damage or injury or annoyance to others, the authorities having custody of said inmate shall discharge the inmate. If, at any time prior to the expiration of said year of parole, the justice of Application for discharge, etc.

the court where the application was filed shall be satisfied that the best interests of said inmate, or of the public, require the recall of the inmate from parole, he may authorize the authorities having custody of the inmate to recall the inmate from parole. If an application is denied, a new application shall not be made within one year after the date of the order denying the previous application. If a person discharged under the provisions of this section is found by any court to have committed, after his discharge, any offence against the laws of the commonwealth, said court may commit such person to a department for defective delinquents without the certificate of any physician.

Powers of
special
justices of
courts, etc.

SECTION 8. Any special justice, when holding court at the request of the justice, shall have the powers and perform the duties of the justice under this act. In case of a vacancy in the office of justice and in the case of the illness, absence or other disability of the justice, the special justice who holds the senior commission shall, if no request has been made as aforesaid, have the powers and perform the duties of the justice under this act.

Records of
proceedings.

SECTION 9. The record of all proceedings under this act, and all papers in connection therewith, shall be kept as provided in section forty-one of chapter five hundred and four of the acts of the year nineteen hundred and nine, and the same docket shall be used for the proceedings under this act which is used under said section forty-one.

Commit-
ments.

SECTION 10. All commitments under this act shall be made under an order signed by the judge making the order. Orders for commitment may be served by any person qualified to serve any processes issued from the court in which the justice making the commitment sits or, in case of transfers, by any officer or attendant of the institution from which the transfer is being made. The officer or other person serving such order shall make return of service on an attested copy of the order.

Expenses.

SECTION 11. All the expenses attending all proceedings under this act shall be allowed, certified, and paid in the manner provided in section forty-nine of chapter five hundred and four of the acts of the year nineteen hundred and nine and acts in amendment thereof and in addition thereto.

Time of
taking effect.

SECTION 12. This act shall take effect when the departments named in section five are ready for occupancy. The prison commissioners and the trustees of the state farm shall notify the governor when said departments are in a suitable

condition to receive inmates; and the governor may then issue his proclamation establishing such departments as places for the custody of defective delinquents.

Approved June 27, 1911.

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF SANITARY STATIONS IN CITIES AND IN CERTAIN TOWNS. *Chap. 596*

Be it enacted, etc., as follows:

SECTION 1. In every city and in all towns having a population of over ten thousand inhabitants, there shall be provided in some convenient place or places, at or near the business centre of the city or town, one or more sanitary stations with separate water closets for the use of both sexes, which sanitary stations shall be established and maintained by the city or town in which they are located. The number and the location of said sanitary stations shall be determined for every city, and for every such town, by the local board of health: *provided, however*, that if in the opinion of the board of health of any city or town such sanitary stations are not necessary in that city or town such city or town shall not be required to provide the same.

Construction
of sanitary
stations, etc.

Proviso.

SECTION 2. This act shall take effect on the first day of September, nineteen hundred and eleven.

Time of
taking effect.

(The foregoing was laid before the Governor on the twentieth day of June, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

AN ACT TO ENCOURAGE AND PROMOTE THE BUILDING AND USE OF TUBERCULOSIS HOSPITALS IN CITIES AND TOWNS. *Chap. 597*

Be it enacted, etc., as follows:

SECTION 1. Every city or town which establishes and maintains a tuberculosis hospital shall be entitled to receive from the commonwealth a subsidy of five dollars per week for each patient who is unable to pay for his support, or whose kindred bound by law to maintain him are unable to pay for the same, but the city or town shall not become entitled to this subsidy unless, upon examination authorized by the trustees of hospitals for consumptives, the sputum of such patients be found to contain bacilli of tuberculosis, and unless the hospital be subject to the inspection of, and be approved by, said trustees.

Building
and use of
tuberculosis
hospitals,
etc.

Payment of
claims.

SECTION 2. Said trustees of hospitals for consumptives shall certify in the case of each hospital approved by them as provided in the preceding section the number of patients for whom the city or town is entitled to the subsidy, and upon such certification the subsidy shall be paid from the treasury of the commonwealth in the same manner in which other claims against the commonwealth are paid.

SECTION 3. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the twenty-first day of June, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 598 AN ACT TO AUTHORIZE THE TOWN OF BRAINTREE TO BORROW
MONEY FOR WATER SUPPLY PURPOSES.

Be it enacted, etc., as follows:

Town of
Braintree
Water Loan,
Act of 1911.

SECTION 1. The town of Braintree, for the purpose of procuring machinery for use in its water department, and of otherwise improving and extending its water supply, under the direction of the board of water commissioners of the town, is hereby authorized to expend a sum not exceeding fifteen thousand dollars, and to issue therefor notes or bonds. Such notes or bonds shall bear on their face the words, Town of Braintree Water Loan, Act of 1911; shall be payable at the expiration of periods not exceeding ten years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four and one half per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners. The town may sell the said securities at public or private sale upon such terms and conditions as it may deem proper, but they shall not be sold for less than their par value.

Payment of
loan.

SECTION 2. The town of Braintree shall, at the time of authorizing said loan, provide for the payment thereof in such annual payments, as nearly equal in amount as practicable, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the said notes or bonds, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed and collected by the town in each year

thereafter in a manner similar to that in which other taxes are assessed, until the debt incurred by said loan is extinguished.

SECTION 3. This act shall take effect upon its passage.

Approved June 29, 1911.

AN ACT FOR THE RELIEF OF CHARLES H. SANBORN.

Chap. 599

Be it enacted, etc., as follows:

SECTION 1. Charles H. Sanborn of Boston is hereby empowered to maintain his suit against the city of New Bedford, now pending in the superior court for the county of Suffolk, for materials and labor furnished to the said city, as fully and with the same effect as if all provisions of law relating to the ordering of materials and labor for the city had been complied with.

Relief of
Charles H.
Sanborn.

SECTION 2. This act shall take effect upon its passage.

Approved June 29, 1911.

AN ACT TO DEFINE THE STANDARD FOR VINEGAR AND TO
REGULATE ITS SALE.

Chap. 600

Be it enacted, etc., as follows:

SECTION 1. Section sixty-six of chapter fifty-seven of the Revised Laws is hereby amended by striking out the said section and inserting in place thereof the following section:

R. L. 57, § 66,
amended.

— *Section 66.* Whoever, himself or by his servant or agent or as the servant or agent of another person, sells, exchanges or delivers, or has in his custody or possession with intent to sell, exchange or deliver, or exposes or offers for sale or exchange adulterated vinegar, or whoever labels, brands, or sells as cider vinegar or as apple vinegar, any vinegar not the exclusive product of the alcoholic and subsequent acetous fermentation of the pure juice of fresh apples, shall be punished by a fine of not more than one hundred dollars.

Penalty for
selling
adulterated
vinegar.

SECTION 2. Section sixty-seven of chapter fifty-seven of the Revised Laws is hereby amended by striking out the same and inserting in place thereof the following: — *Section 67.*

R. L. 57, § 67,
amended.

Vinegar shall contain no added or artificial coloring matter, and shall contain not less than four and one half per cent, by weight, of absolute acetic acid. Cider vinegar shall in addition contain not less than one and eight tenths per cent by weight, of cider vinegar solids upon full evaporation at the temperature of boiling water. If vinegar contains any

Qualities
of vinegar
defined.

added or artificial coloring matter, or less than the required amount of acidity, or if cider vinegar contains less than the required amount of acidity or of cider vinegar solids, it shall be deemed to be adulterated.

Container to be marked.

SECTION 3. Each cask, barrel or other container used by a manufacturer or producer of or wholesale dealer in vinegar, to contain vinegar sold or offered for sale, shall be plainly marked with the name and place of business of the said manufacturer, producer or wholesale dealer, the kind of vinegar contained therein, and the substance or substances from which it was made. Every compound or mixture or blend of vinegar shall be marked with the word "compound" or "mixture", with a statement of its constituents and the percentage of each constituent. The principal label, including the word "compound" or "mixture", if used on vinegar in wooden packages, shall be in Roman letters not less than one inch high, properly spaced and in straight parallel lines with no more than two inches of space between each line. The marking of vinegar in other containers than wooden packages shall be governed by the provisions of sections eighteen and nineteen of chapter seventy-five of the Revised Laws. Whoever, himself, or by his servant or agent, violates any provision of this section shall be punished by a fine of not more than one hundred dollars.

Penalty.

Enforcement of law.

SECTION 4. All officers or persons whose duty it is to enforce the laws relating to food and milk, shall enforce the laws relating to vinegar, and all statutes relating to food shall apply to vinegar so far as they may be applicable.

Repeal.

SECTION 5. Section sixty-nine of chapter fifty-seven of the Revised Laws is hereby repealed.

Time of taking effect.

SECTION 6. This act shall take effect on the first day of July in the year nineteen hundred and eleven.

Approved June 29, 1911.

Chap.601 AN ACT TO AUTHORIZE THE STONE INSTITUTE TO CONVEY ITS REAL ESTATE AND OTHER PROPERTY TO THE NEWTON HOME FOR AGED PEOPLE.

Be it enacted, etc., as follows:

The Stone Institute may convey real estate, etc.

SECTION 1. The Stone Institute, incorporated by chapter eighteen of the acts of the year eighteen hundred and ninety-four, for the purpose of comfortably supporting aged and respectable men and women in indigent circumstances, is hereby authorized to convey to the Newton Home for

Aged People, a corporation organized under the general laws and located in the city of Newton, all the real estate and other property of the first named corporation now held by it or in which it is in any way interested, by an instrument or instruments to be signed by the president and treasurer of said corporation. Upon the execution thereof, and the recording of the conveyance of the real estate belonging to the Stone Institute in the registry of deeds for the southern district of the county of Middlesex, the said Stone Institute shall thereby be dissolved, and all the real estate and personal property of the Stone Institute shall be vested in the Newton Home for Aged People, and said last named corporation shall thereby assume all the liabilities and obligations of said Stone Institute.

SECTION 2. All property so transferred shall be held by the Newton Home for Aged People upon the same or as nearly as possible upon the same trusts and for the same purposes upon which the said property is now held. In case of doubt as to the precise manner in which the property, or the income thereof, should be applied, the matter may be determined by the supreme judicial court, upon application of any person interested or of the attorney-general.

Property conveyed to be held by the Newton Home for Aged People.

SECTION 3. The name of the Newton Home for Aged People is hereby changed to Stone Institute and Newton Home for Aged People.

Name changed.

SECTION 4. All gifts, conveyances, grants, bequests and devises heretofore or hereafter made to or for the benefit of said Stone Institute, or to or for the benefit of said Newton Home for Aged People, shall vest in the Stone Institute and Newton Home for Aged People.

Gifts, conveyances, etc.

SECTION 5. This act shall take effect upon its passage.

Approved June 30, 1911.

AN ACT TO AUTHORIZE THE FEDERATED BOYS' CLUBS TO HOLD ITS MEETINGS WITHOUT THE COMMONWEALTH. *Chap.602*

Be it enacted, etc., as follows:

SECTION 1. The Federated Boys' Clubs, a corporation organized under the general laws of this commonwealth, is hereby authorized to hold its meetings and those of its board of directors in any state or territory of the United States and in the District of Columbia.

Meetings of Federated Boys' Clubs.

SECTION 2. This act shall take effect upon its passage.

Approved June 30, 1911.

Chap. 603 AN ACT RELATIVE TO OBTAINING INFORMATION CONCERNING
THE PROPER LIGHTING OF FACTORIES AND WORKSHOPS
AND INVESTIGATING EYE INJURIES.

Be it enacted, etc., as follows:

Lighting of
factories and
workshops,
etc.

SECTION 1. The state inspectors of health, or such other officers as the state board of health may from time to time appoint, shall, when obtaining information concerning the proper lighting of factories, workshops and other industrial establishments, make such investigation concerning the eye and vision in their relation to diseases of occupation, including injuries to the eyes of the employees, and to the pathological effects which are produced or promoted by the circumstances under which the various occupations are carried on, as, in the opinion of said board is practicable, and the board shall from time to time issue such printed matter containing suggestions to employers and employees for the protection of the eyes of the employees as it may deem advisable.

Devices for
preventing
eye injuries
to employees.

SECTION 2. If it appears to an inspector of health, or other officer appointed by said board, that in any factory, workshop or other industrial establishment, from the nature of the work or of the machinery used in connection therewith, or of other circumstances, there is danger of injury to the eyes of employees engaged in such work, and that the danger of injury may be decreased or prevented by any mechanical device or other practicable means, he shall, if said board so directs, order in writing that such device or other means shall be provided therein; and it shall be the duty of the proprietors and managers of the factory, workshop or other industrial establishment to comply with the order.

Penalty.

SECTION 3. Any person, firm or corporation violating any provision of this act shall be subject to a fine of not less than five nor more than two hundred dollars for every week during which such violation continues: *provided, however,* that a criminal prosecution for any violation hereof shall not be begun unless such person, firm or corporation shall, for a period of four weeks after the receipt of an order in writing from a state inspector of health or other officer, as provided in the preceding section, neglect to comply therewith.

Proviso.

Expendi-
tures.

SECTION 4. There shall annually be appropriated from the treasury of the commonwealth a sum not exceeding one

thousand dollars, which sum shall be added to the sum provided for by section seven of chapter five hundred and thirty-seven of the acts of the year nineteen hundred and seven.

Approved June 30, 1911.

AN ACT RELATIVE TO THE REMOVAL OF INSANE PRISONERS
FROM THE MASSACHUSETTS REFORMATORY AND THE REFORMATORY FOR WOMEN. Chap. 604

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and forty-five of the acts of the year nineteen hundred and ten is hereby amended by striking out the words "central district court of", in the fifth line, and inserting in place thereof the words: — district court of central, — and also by striking out the words "southern district court of", in the eleventh and twelfth lines, and inserting in place thereof the words: — district court of southern, — so as to read as follows: —

Section 1. The reports on the insanity of prisoners in the Massachusetts reformatory, required by section one hundred and five of chapter five hundred and four of the acts of nineteen hundred and nine, may be submitted to the district court of central Middlesex; and that court shall have the same authority as the superior court to issue the warrant for the commitment of a prisoner in the Massachusetts reformatory to the Bridgewater state hospital which is provided for in said section. The reports required by that section in respect to prisoners in the reformatory prison for women may be submitted to the first district court of southern Middlesex, and that court shall have the same authority as the superior court to issue the warrant for the commitment of a prisoner in the reformatory prison for women to one of the state hospitals for the insane which is provided for in said section.

1910, 345,
§ 1, amended.

Certain
reports on
insanity of
prisoners to
be submitted
to the
court, etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 30, 1911.

AN ACT RELATIVE TO COMMITMENTS TO THE INDUSTRIAL
SCHOOL FOR BOYS. Chap. 605

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and seventy-two of the acts of the year nineteen hundred and nine is hereby

1909, 472,
§ 2, amended.

Courts of
commitment
to be notified
when school
is full, etc.

amended by striking out section two and inserting in place thereof the following: — *Section 2.* Until December thirty-first, nineteen hundred and thirteen, the trustees of the industrial school for boys may notify the courts of commitment when the school is full, and no boys shall thereafter, within the said period, be committed, except with the consent of the trustees; but the courts of commitment shall have during that time the same right to commit boys over fifteen years of age to the Suffolk school for boys which existed before August first, nineteen hundred and nine, when the industrial school for boys was declared opened.

SECTION 2. This act shall take effect upon its passage.

Approved June 30, 1911.

Chap.606 AN ACT TO AUTHORIZE THE NEW BEDFORD WOMEN'S CHRISTIAN ASSOCIATION TO CONVEY ITS PROPERTY TO THE NEW BEDFORD YOUNG WOMEN'S CHRISTIAN ASSOCIATION.

Be it enacted, etc., as follows:

Transfer of
certain prop-
erty in the
city of New
Bedford.

SECTION 1. The New Bedford Women's Christian Association is hereby authorized to transfer and convey all its property to the New Bedford Young Women's Christian Association, a corporation duly established under the laws of this commonwealth, and the New Bedford Young Women's Christian Association may take and hold all property of the New Bedford Women's Christian Association, and all property held in trust by it, upon the same trusts upon which said property is now held by said association, and to that end, with the consent of the New Bedford Women's Christian Association, may apply to the probate court for the county of Bristol, sitting in equity within and for the said county to be appointed trustee in place of the New Bedford Women's Christian Association.

SECTION 2. This act shall take effect upon its passage.

Approved June 30, 1911.

Chap.607 AN ACT TO PROVIDE FOR ESTABLISHING WITH THE ASSISTANCE OF THE COMMONWEALTH HOMESTEADS FOR WORKMEN IN THE SUBURBS OF CITIES AND TOWNS.

Be it enacted, etc., as follows:

Homestead
Commission
created.

SECTION 1. A commission is hereby established, to be known as the Homestead Commission, and to consist of

the following persons: — the director of the bureau of statistics, the bank commissioner, the president of the Massachusetts Agricultural College, one member of the state board of health, to be selected by the board, and three other persons to be appointed by the governor, with the advice and consent of the council. The three members of the commission last named shall be appointed in the first place for terms of one, two and three years, respectively, and thereafter their successors shall be appointed for terms of three years. Of the persons so appointed by the governor, one shall be a woman, and one at least shall represent the laboring class. The commission shall report to the next general court, not later than the tenth day of January, nineteen hundred and twelve, a bill or bills embodying a plan and the method of carrying it out whereby, with the assistance of the commonwealth, homesteads or small houses and plots of ground may be acquired by mechanics, factory employees, laborers and others in the suburbs of cities and towns. The members of the commission shall serve without compensation, but shall be allowed such sums for their expenses as may be approved by the governor and council.

Terms of
members.

Report.

Compensa-
tion.

SECTION 2. This act shall take effect upon its passage.

Approved June 30, 1911.

AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE TOWN OF WINCHESTER RELATIVE TO THE LAYING OUT OF PUBLIC PARKS.

Chap. 608

Be it enacted, etc., as follows:

SECTION 1. The acceptance by the town of Winchester of chapter one hundred and fifty-four of the acts of the year eighteen hundred and eighty-two, entitled "An Act authorizing towns and cities to lay out public parks within their limits", and acts in amendment thereof, at a town meeting held on the fifteenth day of June in the year eighteen hundred and ninety-three, shall not be invalid by reason of the fact that the warrant calling said meeting required that only four days' notice of the meeting be given to the inhabitants of said town, and that only four days' notice of the meeting was given, or by reason of any other informality in the calling or conduct of said meeting.

Certain pro-
ceedings of
the town of
Winchester
confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved June 30, 1911.

Chap.609 AN ACT TO INCORPORATE THE EAST BOSTON MARGINAL FREIGHT
RAILROAD COMPANY.

Be it enacted, etc., as follows:

East Boston
Marginal
Freight
Railroad
Company in-
corporated.

SECTION 1. Alfred E. Cox, Jeremiah Campbell, Wendell F. Brown, Elbridge R. Anderson and George A. Sweetser, their associates and successors, are hereby made a corporation by the name of the East Boston Marginal Freight Railroad Company, hereinafter designated as said corporation, subject to all general laws now or hereafter in force relating to railroad corporations, so far as the same are applicable and not inconsistent herewith.

Capital
stock, etc.

SECTION 2. The capital stock of said corporation shall not exceed two hundred thousand dollars, and shall be divided into shares of the par value of one hundred dollars each. One hundred and twenty thousand dollars of said capital stock may be issued for the purpose of constructing a railroad from a point at or near the corner of Condor and Border streets in East Boston to a convenient point of connection with the tracks of the Boston and Albany Railroad Company, New York Central and Hudson River Railroad Company, lessee, on or near Webster street in East Boston, as set forth in this act; and eighty thousand dollars of said stock shall be held in reserve to be issued for the construction of the Chelsea Creek extension, as provided for in section four of this act.

May issue
bonds, etc.

SECTION 3. Said corporation may issue coupon or registered bonds for any purpose for which the corporation may lawfully spend money to an amount provided for by law, and may, to secure the payment thereof, mortgage or pledge its franchises and all property owned or thereafter acquired by it, but no bonds or stock shall be issued under the provisions of this act until the issue thereof shall have been approved by the board of railroad commissioners as provided by law.

Construc-
tion, opera-
tion, etc.,
of railroad.

SECTION 4. Said corporation may locate, construct, maintain, and operate by steam power, electricity or other mechanical power approved by the board of railroad commissioners, a railroad for the transportation of freight only between the hours of ten P.M. and five A.M. and upon and over the following location, to wit:—Beginning at or near the junction of Border and Condor streets in that part of Boston known as East Boston; thence running in, upon and through Border

Location
defined.

street to and by a necessary curve into Sumner street, thence running in, upon and through Sumner street to and by a necessary curve into Lewis street, thence running in, upon and through Lewis street to and by a necessary curve into Webster street, thence in, upon and through Webster street to a convenient point of connection with the existing tracks of the Boston and Albany Railroad Company as specified in section two; together with a spur track beginning at the corner of New street and Maverick street and running in, upon and through New street to and into Sumner street by a necessary curve, and in, upon and through Sumner street to a connection with the main track as above located. And said corporation may construct such branches, spurs, sidings, connections, switches, terminal tracks and extensions in connection with the location above set forth as may be authorized by the board of railroad commissioners, and may, with the approval of said board, make any alteration in said location. Said corporation may, subject to the approval of the board of railroad commissioners, extend the said railroad in a general easterly direction along or near the southerly shore of Chelsea creek upon private land and flats or upon public or private highways, as may be designated by the board of railroad commissioners, to a convenient point of connection with the existing tracks of the Boston and Albany Railroad Company near Bremen street, or to such intermediate terminal point between said railroad and the corner of Border and Condor streets as the railroad commissioners may designate.

May construct
branches,
etc.

The railroad commissioners shall, prior to giving their approval to such extension or designating the route thereof, require to be filed with them such map and estimates of the cost of such extension as are required by section seventeen of Part II of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, in the case of railroad corporations organized under the general law, and shall appoint a time for a public hearing thereon, notice thereof to be given to parties interested in the same manner as is provided in section nineteen of Part II of said chapter for hearings before boards of aldermen of cities and selectmen of towns in the case of railroad companies incorporated under the general laws, and after such notice and hearing the railroad commissioners shall fix the route and sign and give to the directors a certificate thereof.

Maps and
estimates of
cost to be
filed.

All the powers vested in boards of aldermen and selectmen by sections nineteen to twenty-two, both inclusive, of Part

Powers of
board of
railroad

commission-
ers, etc.

II of said chapter shall, in respect to said corporation, be vested in and exercised by the board of railroad commissioners. All details of equipment and operation of the said railroad shall be subject to the approval of the board of railroad commissioners, and no tracks shall be laid in any public way until the location therein shall have been fixed and determined by the board of railroad commissioners as aforesaid.

Operation on
the tracks
of street rail-
way com-
panies, etc.

The said corporation may, with the consent of the West End Street Railway Company, or of the Boston Elevated Railway Company, operate its cars and locomotives on the street railway tracks in Sumner street to such extent and under such conditions as may be approved by the board of railroad commissioners, and the West End Street Railway Company, or the Boston Elevated Railway Company, may, with like approval of the board of railroad commissioners, furnish electric power to said corporation for the operation of its cars, upon such terms as may be agreed upon.

May take
land outside
the limits
of public
ways, etc.

SECTION 5. Said corporation may take, or acquire by purchase or otherwise, land outside the limits of public ways for the purpose of constructing its railroad, buildings, shops, stations and houses or other structures necessary for the location, construction, maintenance or operation of said railroad, and for necessary and convenient terminals, and for the said purposes may take any land in the same manner in which land may be taken for railroad purposes as provided by Part II of said chapter four hundred and sixty-three and acts in amendment thereof and in addition thereto: *provided, however*, that no taking shall be made of any land, or rights in land, on the westerly or northwesterly sides of Border street, between Condor and Maverick streets, which will include any land or rights in land lying within eleven hundred feet of the harbor line at present established by the board of harbor and land commissioners; and *provided, further*, that no taking shall be made under this act of any land or any part of the location of existing railroads or street railways.

Provisos.

Damages.

Said corporation shall pay all damages occasioned by any such taking, and the damages shall, on application of either party, be estimated and determined in the manner provided by said chapter four hundred and sixty-three and acts in amendment thereof and in addition thereto in respect to railroad corporations. The provisions of section two hundred and nine of Part II of said chapter four hundred and sixty-three, in so far as they prohibit a lease or contract between two railroad corporations each of which has a ter-

minal in the city of Boston, shall not be applicable to the corporation hereby created.

SECTION 6. The said corporation may construct such tunnels upon the route aforesaid as may be necessary to enable it to go under and across any land or any street included in the location determined according to the provisions of this act and it is hereby authorized to construct such bridges as may be necessary to enable it to construct its tracks over flats or tidewater: *provided, however*, that all such bridges and tunnels and the plans therefor shall be approved by the board of harbor and land commissioners or by the board of railroad commissioners as provided by said chapter four hundred and sixty-three, and by acts in amendment thereof and in addition thereto, with reference to bridges and tunnels of railroads.

May construct tunnels, etc.

Proviso.

SECTION 7. The said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in said chapter four hundred and sixty-three and acts in amendment thereof and in addition thereto in relation to railroads, so far as the same are applicable, except as is otherwise provided herein.

Powers of corporation.

SECTION 8. This act shall take effect upon its passage: *provided, however*, that all authority and powers herein granted shall cease, unless within one hundred and twenty days thereafter the said corporation shall file with the treasurer and receiver general of the commonwealth a bond to the commonwealth, in a form to be approved by the attorney-general, in the penal sum of twenty-five thousand dollars, and with sureties to be approved by the treasurer and receiver general, conditioned upon the completing and opening for use, in a manner satisfactory to the board of railroad commissioners, of the railroad hereinbefore authorized, excepting the extension provided for in section four, within three years after the passage of this act, or within such further time as may be granted by the board of railroad commissioners as hereinafter provided. The board of railroad commissioners may, after public notice and a hearing, extend the time for the construction of said railroad, excepting said extension, by a certificate stating that, in its judgment, due diligence has been exercised by said corporation, and that public necessity and convenience require such extension of time.

Time of taking effect.
Proviso.

Approved June 30, 1911.

Chap.610 AN ACT RELATIVE TO THE LABELING OF EVAPORATED, CONCENTRATED OR CONDENSED MILK.

Be it enacted, etc., as follows:

Labeling of
containers
of milk, etc.

SECTION 1. Every container of evaporated, concentrated or condensed milk sold or offered for sale, or had in possession or custody with intent to sell by any person, firm or corporation, within this commonwealth, shall have plainly printed thereon in the English language, or attached thereto on some firmly affixed tag or label, a formula for extending the said evaporated, concentrated or condensed milk with water. The said formula shall be such that the resulting milk product shall not be below the Massachusetts standard of milk solids or fat for whole milk.

Penalty.

SECTION 2. Whoever, himself or by his servant or agent, or as the servant or agent of any person, firm or corporation, sells, exchanges or delivers, or has in his custody or possession with intent to sell, exchange or deliver any container of evaporated, concentrated or condensed milk, within this commonwealth, not marked or labeled in compliance with the provisions of this act shall, for the first offence, be punished by a fine of not more than one hundred dollars, for a second offence by a fine of not less than one hundred nor more than two hundred dollars, and for a subsequent offence by a fine of five hundred dollars, or by imprisonment for not less than three nor more than six months.

Time of
taking effect.

SECTION 3. This act shall take effect on the first day of January in the year nineteen hundred and twelve.

Approved June 30, 1911.

Chap.611 AN ACT RELATIVE TO THE FIRE DISTRICT OF THE TOWN OF HUNTINGTON.

Be it enacted, etc., as follows:

Huntington
Fire District
Water Loan,
Act of 1911.

SECTION 1. The Fire District of the Town of Huntington, for the purposes set forth in chapter three hundred and forty-four of the acts of the year eighteen hundred and ninety-eight and in chapter five hundred and ninety-two of the acts of the year nineteen hundred and eight, relative to the water supply of the said fire district, is hereby authorized to expend an additional sum of fifteen thousand dollars, and to issue bonds, notes or scrip therefor, in accordance with the provisions of sections three and four of the said chapter

five hundred and ninety-two. The securities issued under authority hereof shall bear on their face the words, Huntington Fire District Water Loan, Act of 1911.

SECTION 2. This act shall take effect upon its passage.

Approved June 30, 1911.

AN ACT LIMITING THE AMOUNT OF EXPENDITURE BY THE CITY OF BOSTON FOR SEWERAGE WORKS WITHIN THE WATERSHED OF THE CHARLES RIVER BASIN. Chap. 612

Be it enacted, etc., as follows:

SECTION 1. The amount of money to be raised and expended by the city of Boston under the provisions of chapter four hundred and eighty-five of the acts of the year nineteen hundred and seven shall not exceed, in the year nineteen hundred and eleven or in the year nineteen hundred and twelve, the sum of four hundred thousand dollars. Limiting expenditure for certain sewerage works, etc.

SECTION 2. So much of section one of said chapter four hundred and eighty-five as is inconsistent herewith is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved June 30, 1911.

AN ACT RELATIVE TO THE MAINTENANCE OF ISOLATION HOSPITALS BY CITIES AND TOWNS. Chap. 613

Be it enacted, etc., as follows:

SECTION 1. Chapter seventy-five of the Revised Laws is hereby amended by striking out section thirty-five and inserting in place thereof the following: — *Section 35.* Each city and town shall establish and constantly maintain within its limits one or more isolation hospitals for the reception of persons having diseases dangerous to the public health as defined by the state board of health, including a tuberculosis hospital or tuberculosis wards. Plans for the construction of such hospitals shall be approved by the state board of health, and said hospitals shall be inspected by the state board of health or by its accredited agent, at least twice in every year. But if, in the opinion of the state board of health, two or more adjoining towns or a city and contiguous towns can advantageously establish and maintain such hospitals in common, the authorities of said towns or of such cities and contiguous towns may enter into such agreements as may be necessary for the establishment and maintenance R. L. 75, § 35, amended.

Isolation hospitals, etc.

of the same. Any city or town which upon the request of the state board of health refuses or neglects to comply with the provisions of this section shall forfeit not less than five hundred dollars for every such refusal or neglect.

SECTION 2. This act shall take effect upon its passage.

Approved June 30, 1911.

Chap. 614 AN ACT RELATIVE TO THE LICENSING AND REGISTRATION OF HUNTERS AND TO THE DISPOSITION OF THE LICENSE FEES.

Be it enacted, etc., as follows:

Licensing
and registra-
tion of
hunters.

Proviso.

SECTION 1. It shall be unlawful for any person to hunt, pursue, take or kill any bird or quadruped without first having obtained a certificate of registration as hereinafter provided: *provided, however*, that nothing in this act shall be construed as affecting in any way the provisions of the general laws relating to trespass, or as authorizing the hunting, pursuing, taking, wounding or killing, or the possession of birds or quadrupeds contrary to any laws now or hereafter in force, nor shall the possession of the said certificate of registration grant or confer any privilege not enjoyed prior to the passage of this act. But this act shall not prohibit any person who is a legal resident of Massachusetts from hunting on land owned or leased by him, provided that he is actually domiciled on such land, and that the land is used exclusively for agricultural purposes, and not for club or shooting purposes.

Certificate
of registra-
tion, etc.

SECTION 2. The clerk of any city or town shall, upon the application of any person entitled to receive a certificate of registration under any of the classes hereinafter described, and upon payment of the registration fee hereinafter specified, and the furnishing of an affidavit by any non-resident who desires to be classified under clauses one, two and three of section four of this act, register and issue to such person a certificate in the form prescribed and upon a blank furnished by the commissioners on fisheries and game, which certificate shall bear the name, age, occupation, place of residence, and signature and identifying description of the person thus registered, and shall authorize the person so registered to hunt birds and quadrupeds, subject to such conditions as are provided by law. Said certificate shall be valid only to January first next following the date of issue and no longer, shall not be transferable, and shall be produced for examination upon demand of any person. Failure or refusal to

produce said certificate upon such demand shall be prima facie evidence of the violation of this act.

SECTION 3. Every unnaturalized, foreign-born person shall pay for such registration a fee of fifteen dollars to the clerk of the city or town in which he resides and from whom he procures his certificate.

Fees.

SECTION 4. Every citizen of the United States, not a legal resident of this commonwealth, and not having been actually domiciled therein for a period of six months, shall pay for said registration a fee of ten dollars to the clerk of the city or town from whom he procures his certificate, except such persons as come within one of the three following classes, in which case the applicant shall pay for his registration the sum of one dollar to the clerk of the city or town from whom he procures his certificate.

Same subject.

(1) The resident of another state who owns real estate situated in this commonwealth which is assessed for taxation at not less than five hundred dollars.

(2) A non-resident member of any association incorporated prior to the year nineteen hundred and seven for the purpose of hunting: *provided*, that such corporation owns real estate in this commonwealth which is assessed for taxation at not less than one thousand dollars.

Proviso.

(3) A non-resident who, on the written invitation of a member of any club incorporated under the laws of Massachusetts, attends the meeting of such club for the purpose of hunting foxes only, during a period not exceeding four days; *provided*, that the membership list of the club shall be filed with the clerk of the town in which the hunt takes place.

Proviso.

SECTION 5. Every citizen of the United States who is a legal resident of this commonwealth shall pay for such registration the fee of one dollar to the clerk of the city or town from whom he procures his certificate.

Fee of legal resident.

SECTION 6. Out of the fee paid in any and all of the foregoing classes the sum of fifteen cents shall be retained by the clerk of the city or town in which the registration is recorded, if the annual salary of such clerk does not exceed five hundred dollars; but if his salary exceeds five hundred dollars, no part of said fee shall be retained by him.

Certain part of fee to be retained by clerks of cities and towns.

SECTION 7. Minors under sixteen years of age, upon making application for registration, shall furnish the consent of their parents or guardian in writing, and such written consent shall be filed with the records of such application.

Consent of parents, etc., required in cases of minors.

Duplicate
certificate
may be
issued, etc.

SECTION 8. Whoever loses, or by mistake or accident destroys his certificate of registration may, upon application to the commission on fisheries and game accompanied by an affidavit fully setting forth the circumstances of the loss, receive without charge a duplicate certificate for the remainder of the year covered by the original certificate.

Reports of
registration
to be open to
inspection,
etc.

SECTION 9. Every city and town clerk shall report all such registration in books kept for that purpose, which books shall be open to public inspection during the usual office hours of such clerk, and subject to audit and inspection by the commissioners on fisheries and game, by the state auditor, or by their agents, at all times; and said clerk shall, on the first Monday of every month, pay to the board of commissioners on fisheries and game all money received by him for the said registrations, except the recording fees which he is entitled to retain, as provided in section six, together with a receipted bill for fees due and received in accordance with section six of this act, issued during the month preceding. All remittances shall be made by certified check, United States post office money order, express money order or lawful money of the United States. The board of commissioners on fisheries and game shall, in accordance with the provisions of section fifty-six of chapter six of the Revised Laws, pay to the treasurer and receiver general all money received by them for the said registrations issued during the previous month, and shall furnish him with a list of the number and kind of registrations recorded by each city and town clerk during the previous month.

Non-resident
license, etc.

SECTION 10. A non-resident hunting license shall entitle the licensee to carry from the commonwealth and into any other state according similar privileges not more than ten wild fowl, or game birds of all kinds, the exportation of which is prohibited by law, in any one calendar year: *provided*, that the licensee shall carry them open to view for inspection, shall present his certificate for inspection upon demand, and shall have informed by letter or otherwise the commissioners on fisheries and game or the deputy in whose district the said non-resident is hunting, as to the number and kinds of wild fowl or game birds which he intends to carry from the commonwealth.

Proviso.

Penalty for
false repre-
sentation in
certain
cases, etc.

SECTION 11. Any person who makes a false representation as to birthplace, requirements for identification, or of facts relative to property qualifications, or naturalization, or otherwise violates any provision of this act shall be fined

not less than ten nor more than fifty dollars, or be imprisoned for not more than thirty days, or may be punished by both such fine and imprisonment. Every person convicted of violating the game laws shall immediately surrender to the officer who secures such conviction his certificate of registration; and the officer shall forthwith forward said certificate to the commissioners on fisheries and game, who shall cancel the same and notify the clerk issuing the certificate of registration of the cancellation. No other certificate of registration shall be issued to such person so convicted during a period of one year after the date of conviction.

SECTION 12. The fees and fines received under the provisions of this act shall be paid into the treasury of the commonwealth.

Disposition
of fees and
fines.

SECTION 13. Chapter three hundred and seventeen of the acts of the year nineteen hundred and five, as amended by chapter four hundred and two of the acts of the year nineteen hundred and eight, and by chapter two hundred and sixty-two of the acts of the year nineteen hundred and nine, and by chapter six hundred and fourteen of the acts of the year nineteen hundred and ten; chapter one hundred and ninety-eight of the acts of the year nineteen hundred and seven, as amended by chapter two hundred and sixty-two of the acts of the year nineteen hundred and nine; chapter four hundred and eighty-four of the acts of the year nineteen hundred and eight, as amended by chapter three hundred and twenty-five of the acts of the year nineteen hundred and nine, and by chapter six hundred and fourteen of the acts of the year nineteen hundred and ten; and all acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 14. This act shall take effect on the first day of January, nineteen hundred and twelve.

Time of taking
effect.

Approved June 30, 1911.

AN ACT MAKING AN APPROPRIATION FOR THE ABATEMENT
OF SMOKE IN THE CITY OF BOSTON AND VICINITY. *Chap. 615*

Be it enacted, etc., as follows:

SECTION 1. The sum of five thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth, to meet expenses in connection with the abatement of smoke in the city of Boston and vicinity during the fiscal

Appropriation
for
abatement
of smoke in
Boston and
vicinity.

year ending on the thirtieth day of November, nineteen hundred and eleven, as provided for by chapter six hundred and fifty-one of the acts of the year nineteen hundred and ten, being the estimate of the gas and electric light commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved June 30, 1911.

Chap.616 AN ACT TO PROVIDE FOR THE APPOINTMENT OF THREE ADDITIONAL MEMBERS OF THE DISTRICT POLICE TO SERVE AS INSPECTORS OF FACTORIES AND PUBLIC BUILDINGS.

Be it enacted, etc., as follows:

Additional
members
of district
police.

SECTION 1. The governor is hereby authorized to appoint three additional members of the district police, who shall be employed as inspectors of factories and public buildings. Their terms of office, salaries, powers and duties shall be the same as those provided by law for the district police.

SECTION 2. This act shall take effect upon its passage.

Approved June 30, 1911.

Chap.617 AN ACT TO AUTHORIZE THE TOWN OF LITTLETON TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

The town of
Littleton
may supply
itself with
water.

SECTION 1. The town of Littleton may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid therefor.

May take
and hold
certain
waters, etc.

SECTION 2. Said town, for the purposes aforesaid, may take, or acquire by purchase or otherwise, and hold, the waters of any pond or stream or of any ground sources of supply by means of driven, artesian or other wells within the limits of the town, and the water rights connected with any such water sources, and may also take, or acquire by purchase or otherwise, and hold, all lands, rights of way and easements necessary for collecting, storing, purifying and preserving the water, and for conveying the same to any part of said town; and further, may purchase the whole or any part of the property, rights and easements of the water system now owned and operated by Waldo E. Conant and Daniel G. Houghton, co-partners, doing business under the firm name

of Conant, Houghton & Co.: *provided, however*, that no source of water supply and no lands necessary for preserving the quality of the water shall be taken without first obtaining the advice and approval of the state board of health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board. Said town may construct on the lands taken or acquired and held under the provisions of this act, proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under and over any land, water courses, railroads, railways and public or other ways, and along such ways in the town of Littleton, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other purposes of this act, said town may dig up or raise and embank any such lands, highways or other ways, in such manner as to cause the least possible hindrance to public travel on such ways. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the board of railroad commissioners. Proviso.

SECTION 3. Said town shall within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, file and cause to be recorded in the registry of deeds for the county and district within which such land or other property is situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for. The title to all land purchased or taken under the provisions of this act shall vest in the town of Littleton, and the land so acquired may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the town. Taking to be recorded, etc.

Damages.

SECTION 4. The said town shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by the town under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with the town as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within the period of two years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of the said two years, and no application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by the town under authority of this act.

Town of
Littleton
Water Loan,
Act of 1911.

SECTION 5. The said town, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding fifty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of Littleton Water Loan, Act of 1911; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest, payable semi-annually, at a rate not exceeding four and one half per cent per annum; and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The town may sell such securities at public or private sale, upon such terms and conditions as it may deem proper, but they shall not be sold for less than their par value.

Payment of
loan.

SECTION 6. The said town shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by the town, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner in which

other taxes are assessed, until the debt incurred by said loan is extinguished.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by said town under authority of this act, shall forfeit and pay to the town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon being convicted of any of the above wilful or wanton acts, shall be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail for a term not exceeding one year.

Penalty for corrupting or polluting water, etc.

SECTION 8. The said town shall, after its acceptance of this act, at the same meeting, or at a subsequent meeting duly called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act, and not otherwise specifically provided for, shall be vested in said water commissioners, who shall be subject however to such instructions, rules and regulations as the town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by the town at any legal town meeting called for the purpose. Any such vacancy may be filled temporarily by a majority vote of the selectmen, and the person so appointed shall hold office until the town fills the vacancy in the manner provided for herein.

Water commissioners, election, terms, etc.

SECTION 9. The said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal, as they accrue, of any bonds, notes or scrip issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it shall be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new construction, the water rates shall be

Water rates, etc.

reduced proportionately. No money shall be expended in new construction by the water commissioners except from the net surplus aforesaid, unless the town appropriates and provides money therefor. The said commissioners shall annually, and as often as the town may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

Time of
taking effect.

SECTION 10. This act shall take effect upon its acceptance by a majority vote of the legal voters of the town of Littleton present and voting thereon at a legal meeting called for the purpose within three years after its passage; but the number of meetings so called in any one year shall not exceed three; and for the purpose of being submitted to the voters as aforesaid this act shall take effect upon its passage.

Approved June 30, 1911.

Chap. 618 AN ACT RELATIVE TO THE TAXATION OF SAVINGS BANKS
WHICH ARE RESTRAINED FROM DOING BUSINESS.

Be it enacted, etc., as follows:

Taxation of
savings banks
in certain
cases.

SECTION 1. Whenever a savings bank is restrained from doing business by an injunction issued by any court, or when a bank is in the hands of the bank commissioner, in accordance with the provisions of chapter three hundred and ninety-nine of the acts of the year nineteen hundred and ten, the tax payable by the bank in accordance with the provisions of section twenty-one of Part III of chapter four hundred and ninety of the acts of the year nineteen hundred and nine, as computed on the first day of May or on the first day of November next ensuing, after the bank is incapacitated from doing business as aforesaid, shall be reduced by the same proportion which the number of business days during the six months next preceding the said first day of May or the said first day of November on which the bank was thus incapacitated bears to the total number of business days in the said six months; and thereafter the bank shall be relieved from paying taxes under the said provisions of law so long as it continues to be incapacitated from doing business as aforesaid.

SECTION 2. This act shall take effect upon its passage.

Approved June 30, 1911.

AN ACT TO INCREASE THE SALARY AND RANK OF THE CHIEF INSPECTOR OF THE BOILER INSPECTION DEPARTMENT OF THE DISTRICT POLICE. *Chap.619*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter five hundred and twenty-one of the acts of the year nineteen hundred and six is hereby amended by striking out the words "two thousand", in the tenth line, and inserting in place thereof the words: — twenty-four hundred, — and by adding at the end of said section the words: — He shall have the same rank as the deputy chief of the inspection department of the district police, — so as to read as follows: — *Section 1.* The governor is hereby authorized to appoint, as hereinafter provided, one of the members of the boiler inspection department of the district police as chief inspector of said boiler inspection department. Said chief inspector shall have supervision over the members of said boiler inspection department in order to secure the uniform enforcement throughout the commonwealth of all acts relative to the inspection of boilers and the examination of engineers and firemen. Said chief inspector shall receive an annual salary of twenty-four hundred dollars and his actual and necessary travelling expenses. He shall have the same rank as the deputy chief of the inspection department of the district police.

1906, 521,
§ 1, amended.

Chief in-
specter, boiler
inspection
department
of the dis-
trict police,
appointment,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 30, 1911.

AN ACT TO PROVIDE FOR ADDITIONAL MEMBERS OF THE BOILER INSPECTION DEPARTMENT OF THE DISTRICT POLICE. *Chap.620*

Be it enacted, etc., as follows:

SECTION 1. The governor is hereby authorized and directed to appoint five additional members of the boiler inspection department of the district police, who shall be not above forty-five years of age; and this age limit shall apply hereafter to all appointments to the said department. The said five additional members shall be detailed for the inspection of boilers and the examination of engineers and firemen, and shall receive the same compensation now received by the present inspectors of boilers. The civil service commissioners shall hold an examination for the said appointments, and no person shall hereafter be eligible to

Additional
members of
the boiler
inspection
department
of the dis-
trict police.

take the civil service examination for appointment as an inspector of boilers, unless he holds a first class engineer's license granted by the boiler inspection department of this commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved June 30, 1911.

Chap.621 AN ACT TO REVISE THE CHARTER OF THE CITY OF LAWRENCE.

Be it enacted, etc., as follows:

PART I.

City of
Lawrence.

SECTION 1. The inhabitants of the city of Lawrence shall continue to be a body politic and corporate, under the name of the City of Lawrence, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and pertaining to the said city, as a municipal corporation.

Administra-
tion, etc.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one municipal officer, to be styled the mayor, and a council of nine to be called the city council. The members thereof shall be sworn to the faithful performance of their respective duties. A majority of the members shall constitute a quorum for the transaction of business. Each member shall receive as compensation for his services the sum of six hundred dollars per annum, to be paid in equal monthly instalments.

Wards.

SECTION 3. The city shall continue to be divided into six wards, as the same are now established.

Warrants
for meeting
of citizens.

SECTION 4. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be in such form, and shall be served, executed and returned in such manner, and at such times as the city council may by order direct.

Election of
mayor and
councilmen.

SECTION 5. The mayor and councilmen shall be elected by the qualified voters of the city, voting in their respective wards as follows: — The mayor and three councilmen shall be elected at large by the qualified voters of the city, voting in their respective wards; and one councilman shall be elected by the qualified voters of each ward, respectively, and he shall be a resident of the ward wherein he is elected.

The election shall be by ballot. The mayor and councilmen shall hold their offices for two years from the first Monday in January following their election, and until others shall be elected and qualified in their places.

SECTION 6. On the Tuesday after the first Monday in December, biennially, the qualified voters in each ward shall give in their votes for mayor and councilmen, as above provided; and all the votes so given shall be sorted, counted, declared and registered in open ward meeting, by causing the names of the persons voted for, and the number of votes given for each to be written in the ward records in words at length. The clerk of the ward shall, within twenty-four hours after such election, deliver to the persons elected as members of the city council, certificates of their election, signed by the warden and clerk, and by a majority of the inspectors of elections for the ward, and shall deliver to the city clerk a copy of the records of the elections, certified in like manner. The city council for the time being shall, as soon as conveniently may be, within seven days after the election, examine the copies of records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor, to be notified in writing of his election; but if it shall appear that no person has received a plurality of the votes, or if the person elected shall refuse to accept the office, the city council shall issue their warrant for a new election, and the same proceedings shall be had as hereinbefore provided for the choice of mayor, and shall be repeated from time to time, until a mayor shall be chosen and shall accept the office. In case of the decease, resignation, or absence of the mayor, or of his inability to perform the duties of the office, it shall be incumbent on the city council to elect as expeditiously as possible a mayor to serve during the unexpired term, or until the occasion causing the vacancy be removed. And if it shall appear that the full number of councilmen has not been elected, the same proceedings shall be had as are hereinbefore provided for the choice of mayor. Each councilman shall be notified in writing of his election by the city clerk.

Counting
and declar-
ing of votes,
etc.

The oath prescribed by this act shall be administered to the mayor by the city clerk, or by any justice of the peace for the county of Essex.

Oath of
office of the
mayor.

The city council elect shall meet on the first Monday in January, at ten o'clock in the forenoon, when the oath required by this act shall be administered to the members

Oath of
office of the
city council.

of the council present, by the mayor, or by any justice of the peace for the county of Essex; and a record of the oath shall be entered in the journal of the mayor and city council by the city clerk.

Failure to
elect a mayor.

Whenever it shall appear that no mayor has been elected before the said first Monday in January, the mayor and city council, for the time being, shall make a record of that fact, an attested copy of which the city clerk shall read at the opening of the convention to be held as aforesaid.

Organization
of city
council.

After the oath has been administered as aforesaid, the city council shall be organized by the choice of a president, who shall be sworn to the faithful discharge of his duties, and shall preside over the city council.

In case of the absence of the mayor elect, on the first Monday in January, the city council shall organize itself in the manner hereinbefore provided, and may proceed to business in the same manner as if the mayor were present; and the oath of office may be administered to the mayor at any time thereafter, in a meeting of the city council.

Mayor to be
chief execu-
tive officer
of the city, etc.

SECTION 7. The mayor thus chosen and qualified shall be the chief executive officer of the city. It shall be his duty to be vigilant in causing the laws and ordinances of the city to be enforced, and to exercise a general supervision over the conduct of all subordinate officers, and to cause their neglect of duty to be punished. He may call special meetings of the city council, when in his opinion, they are necessary, by causing notices, in writing, to be left at the places of residence of the several members. He shall communicate, from time to time, such information and recommend such measures, as in his opinion, the interests of the city may require. His salary for the first year under this act, shall be thirty-six hundred dollars. He shall afterward receive for his services such salary as the city council shall determine, and shall receive no other compensation; but his salary shall not be increased or diminished during the year for which he is chosen.

Powers of
mayor.

SECTION 8. The executive power of the said city generally, and the administration of the police, with all the power heretofore vested in the city government of Lawrence, shall be vested in and may be exercised by the mayor and city council as fully as if the same were herein enumerated. The mayor shall have full and exclusive power to appoint a constable and assistants, or a city marshal and assistants, with the powers and duties of constables. Other police officers

may be appointed by the mayor subject to confirmation by the city council. The mayor and city council may require any person who may be appointed marshal or constable of the city, to give bonds for the faithful discharge of the duties of the office, with such security and to such amounts as may be deemed reasonable and proper; upon which bonds the like proceedings and remedies may be had as are by law provided in the case of constables' bonds taken by the selectmen of towns. All other powers now vested in the inhabitants of the said city, and all powers granted by this charter shall be vested in the mayor and city council of the said city, to be exercised by majority vote.

SECTION 9. The city council shall in the month of January or February, nineteen hundred and twelve, elect three assessors to serve for the terms of one, two and three years, respectively, from their election, and thereafter the city council shall, annually, in the month of January or February, elect an assessor who shall hold office for the term of three years from his election, and, as soon after their organization as may be convenient, a city treasurer, collector of taxes, and two persons to be members of the board of charities, without pay, and shall in such manner as the city council shall determine appoint or elect all subordinate officers, not herein otherwise directed, for the ensuing year, define their duties and fix their compensation in cases where such duties and compensation shall not be defined and fixed by the laws of the commonwealth. The city treasurer and collector shall enter upon the duties of their offices on the first day of March in each year.

Assessors,
election,
term, etc.

SECTION 10. All the sittings of the mayor and city council shall be public when they are not engaged in executive business. The city council shall take care that money shall not be paid from the treasury unless it has been granted or appropriated; shall secure a just and prompt accountability, by requiring bonds, with sufficient penalty and sureties from all persons entrusted with the receipt, custody or disbursement of money; shall have the care and superintendence of city buildings, and the custody and management of all city property, with the power to let or sell what may legally be let or sold; and to purchase property, real or personal, in the name, or for the use of the city, whenever its interests or convenience may, in their judgment, require it. And the city council shall, as often as once a year, and not later than the month of May, cause to be published, for the use of the inhabitants,

Sittings of
mayor and
city council
to be public,
etc.

a particular account of the receipts and expenditures, and a schedule of city property.

Mayor to have exclusive right of nomination in certain cases.

SECTION 11. In all cases in which appointments are directed to be made by the mayor, and city council, the mayor shall have the exclusive right to nomination, subject, however, to the confirmation or rejection by the city council; and no person shall be eligible to any office of emolument the salary of which is payable out of the city treasury, who at the time of his appointment shall be a member of the city council: *provided, however*, that any member of the board may be elected to serve as mayor whenever a vacancy shall occur in that office.

Proviso.

City clerk, election, etc.

SECTION 12. The city clerk shall be elected in the manner at present in operation; he shall be clerk of the city council; and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the city council; and he shall perform all the duties and exercise all the powers by law incumbent upon or vested in the city clerk of the city of Lawrence.

Member of board of charities, etc.

SECTION 13. The mayor shall have full and exclusive power to appoint a member of the board of charities. Said member shall be chairman of the board, and shall hold office for two years, or until his successor is appointed. He, in conjunction with two other members appointed as hereinbefore provided, shall constitute the board of charities, and shall have all the powers, and be subject to all the duties now by law pertaining to the overseers of the poor of the city of Lawrence.

School committee, election, etc.

SECTION 14. The qualified voters shall elect at the first election of a school committee under this charter, to be held in the year nineteen hundred and twelve and every two years thereafter, twelve citizens, two from each ward, to be members of the school committee; and the persons so chosen, together with the mayor, who shall be, ex officio, chairman of the board, shall constitute the school committee, and shall have the care and superintendence of the public schools. The said committee shall appoint from their own members or otherwise, a secretary, to be under the direction and control of the committee. They shall also elect a superintendent of schools. The compensation of the secretary and superintendent shall be determined from year to year by the school committee.

Water commissioner, etc.

SECTION 15. The mayor shall have full and exclusive power to appoint, subject to confirmation by the city council,

one person to be water commissioner, to serve for a term of one year, who shall have all the powers and be subject to all the duties now by law pertaining to the members of the water board of the city of Lawrence. He shall receive such compensation as the city council may from time to time determine.

SECTION 16. The commissioner of highways, to serve for a term of two years, shall have all the powers and be subject to all the duties now by law pertaining to the superintendent of streets of the city of Lawrence; he shall be elected by the voters voting at large in their respective wards as at present is elected the superintendent of streets. He shall receive for his services such salary as the city council shall determine, and shall receive no other compensation. He shall be subject to removal by recall as hereinafter provided.

Powers of
commissioner
of highways,
etc.

SECTION 17. The board of health shall consist of three members, one of whom shall be a physician. The members shall be appointed by the mayor, subject to confirmation by the city council, and shall serve for terms of one, two and three years respectively. The members shall be subject to removal by the mayor for cause, and shall receive such compensation as the city council may from time to time determine. The board shall exercise all the powers vested in and shall perform all duties incumbent upon the board of health of the city of Lawrence.

Board of
health, ap-
pointment,
terms, etc.

SECTION 18. The office of purchasing agent shall be established for the purpose of purchasing all municipal supplies, including those of the public schools and public library. The purchasing agent shall be appointed by the mayor subject to confirmation by the city council, and shall serve for a term of one year. His duties shall be defined by the city council. He shall receive for his services such salary as the city council may determine.

Purchasing
agent.

SECTION 19. The chief engineer of the fire department, and the assistant engineers shall be appointed by the mayor subject to confirmation by the city council. The terms of office, powers and duties of the chief engineer, and of the assistant engineers shall remain as at present defined, subject to future amendment.

Engineers
of the fire
department.

SECTION 20. Unless other provision is made by law or ordinance, all officials shall be removable at pleasure for cause by the authority appointing or electing them, and unless so removed from office shall hold office until their successors are chosen and qualified.

Removals.

Publicity of
municipal
affairs.

SECTION 21. The city council shall by ordinance establish ways and means for insuring the fullest publicity of municipal affairs and transactions; for preventing extravagant expenditures, and waste of public funds, and for electing and appointing officials not specifically mentioned in this charter.

Expendi-
tures not to
exceed ap-
propriations.

SECTION 22. No officer of the city, except in case of extreme emergency involving the health or safety of the people or of their property, shall expend in any fiscal year any sum in excess of the appropriation therefor duly made in accordance with law; and any officer who violates this provision shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Itemized
statement of
receipts and
expendi-
tures.

SECTION 23. The mayor shall each month have printed in pamphlet form a detailed itemized statement of all receipts and expenditures of the city during the preceding month, and of all bills and accounts owed by the city at the end of the preceding month, in such a manner as to show the gross monthly revenue and expense of each department; and shall furnish copies thereof to the public library, to the daily newspapers published in said city, and to persons who shall apply therefor at the office of the city clerk. At the end of the municipal year he shall cause a complete examination of all books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for the publication of monthly statements. The provisions of this section shall apply to the school department of the city, and the school committee shall furnish the mayor with such information, figures and data as may be necessary to carry out the provisions of this section so far as it applies to the finance department.

Preparation
of list of
jurors.

SECTION 24. The list of jurors shall be prepared by the board of registrars, in the same manner as is required by section four of chapter one hundred and seventy-six of the Revised Laws. The mayor and city council and the city clerk shall severally have and exercise all the powers and duties with regard to the drawing of jurors in the city, and all other matters relating to jurors therein, which are by law required to be performed by the selectmen and town clerk in their respective towns; and all venires for jurors to be returned from Lawrence shall be served on the mayor and city clerk.

SECTION 25. The mayor and city council shall have exclusive right to lay out, alter or discontinue any street or way, and to estimate the damage which any individual may sustain thereby. And any person dissatisfied with the decision of the city council in the estimate of damages may have the same determined in the manner provided by chapter forty-eight of the Revised Laws.

Laying out
of streets and
ways, etc.

SECTION 26. The mayor and city council shall have the power to cause drains and common sewers to be laid through any street or private land, paying the owners such damages as they sustain thereby. And the city council may make ordinances with suitable penalties, for the inspection, survey, measurement and sale of lumber, wood, coal and bark, brought into the city for sale.

Drains and
sewers, etc.

SECTION 27. The mayor and city council shall, in each year, issue their warrant for calling meetings for the election of the whole number of representatives to the general court to which the said city is by law entitled, and the number shall be specified in the warrant.

Meetings
for election
of repre-
sentatives.

SECTION 28. The laws of the commonwealth relating to city elections, state and national elections, special elections, election officers, voting places, election apparatus and blanks, the calling and conduct of elections, the manner of voting at elections, the counting and recounting of votes and the disposal of ballots, to corrupt practices and penalties, shall apply to elections held under this charter, except as is otherwise provided herein.

Certain pro-
visions of
law to apply.

SECTION 29. General meetings of the citizens qualified to vote, may from time to time be held to consult upon the public good, to give instruction to their representatives, to take all lawful measures to obtain redress from grievances, according to the rights secured to the people by the constitution of this commonwealth. And such meetings may and shall be duly warned by the mayor and city council, upon the request of fifty qualified voters.

General
meetings of
citizens.

SECTION 30. The city council shall have power to make all such salutary and needful ordinances as cities, by the laws of this commonwealth, have power to make and establish, and may annex penalties, not exceeding twenty dollars for the breach thereof, which ordinances shall take effect and be in force from and after the time therein, respectively limited, without the sanction of any court, or other authority whatever: *provided, however*, that all laws and ordinances now in force in the city of Lawrence shall, until they expire

Ordinances.

Proviso.

by their own limitation, or are revised or repealed by the city council, remain in force. All fines and forfeitures for the breach of any law or ordinance shall be paid into the city treasury.

Fines,
forfeitures,
etc.

SECTION 31. All fines, forfeitures and penalties accruing for the breach of any ordinance of the city of Lawrence, or any of the ordinances of the city council, or any of the orders of the mayor and city council, may be prosecuted for and recovered in the police court of the city of Lawrence, by complaint or information, in the same manner in which other criminal offenses are now prosecuted in the police or municipal courts of the commonwealth; reserving, however, in all cases, to the party complained of and prosecuted, the right to appeal to the superior court for the county of Essex; and the appeal shall be allowed on the terms, and the proceedings shall be conducted in the manner provided by the Revised Laws. And it shall be sufficient in all prosecutions to set forth in the complaint the offense, fully, plainly, substantially and formally; and it shall not be necessary to set forth any by-law, ordinance or order, or any part thereof. All fines, forfeitures and penalties so recovered and paid, shall be paid to the treasurer of the city of Lawrence, and shall enure to such use as the said city council shall direct. When any person, upon any conviction before the police court for any breach of any ordinance of the city of Lawrence, or of any ordinance of the city council, or of any of the orders of the mayor and city council, shall be sentenced to pay a fine, or ordered to pay any penalty or forfeiture provided for by any such ordinance or order, and does not pay the same, or, upon claiming an appeal, shall fail to recognize for his appearance at the court appealed to, there to prosecute his appeal, and to abide the sentence or order of the court thereon, and in the meantime to keep the peace and be of good behavior, he shall be committed to prison, there to remain until he shall pay such fine, forfeiture or penalty, or be otherwise discharged according to law. The provisions of this section shall also apply to all prosecutions founded on the ordinances of the city of Lawrence, which may continue in force after this act shall go into operation, and all the powers of the police court already established shall be continued to it.

Repeal.

SECTION 32. All special acts or parts of special acts applying to the city of Lawrence, inconsistent herewith, are hereby repealed, and all general acts or parts of general acts inconsistent herewith, shall not hereafter apply to the city of Lawrence.

RECALL AUTHORIZED.

SECTION 33. Any holder of an elective office, whether elected thereto or appointed to fill a vacancy, may be recalled and removed therefrom by the qualified voters of the city as herein provided.

Recall
authorized.

RECALL PETITION.

SECTION 34. Any qualified voter of the city may make and file with the city clerk an affidavit containing the name of the officer sought to be removed, and a statement of the ground for removal. The clerk shall thereupon deliver to the voter making such affidavit, a sufficient number of copies of petitions for recall and removal, printed forms of which he shall keep on hand. Such petitions shall be issued by the clerk with his signature and official seal thereto attached; they shall be dated and addressed to the city council, shall contain the name of the person to whom issued, the number of the form so issued, the name of the person sought to be removed, the office from which his removal is sought, the grounds for removal as stated in said affidavit, and shall demand the election of a successor to the said office; and a copy of the petition shall be entered in a record book to be kept in the office of said clerk. Any defect in said form or record shall not invalidate the same. The recall petition shall be returned and filed with said clerk within thirty days after its issue. Said petitions before being returned and filed shall be signed by qualified voters equal in number to at least twenty-five per cent of the last preceding vote cast for all candidates for governor of the commonwealth by the voters of the city, and to every such signature shall be attached the signer's place of residence, giving the street and number. The signatures need not all be on one paper. One of the signers of every such paper shall make an affidavit thereto that the statements therein contained are true, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All such papers for the recall of any one officer shall be fastened together and filed as one instrument, with the indorsements thereon of the names and addresses of three persons designated as filing the same.

Recall
petition.

EXAMINATION AND CERTIFICATION OF RECALL PETITIONS.

Examination,
etc., of recall
petitions.

SECTION 35. Within ten days after the filing of the said petition, the clerk shall ascertain by examination thereof and of the registration books and election returns, whether the petition is signed by the requisite number of qualified voters, and shall attach thereto a certificate showing the result of his examination. He shall, if necessary, be allowed extra help for this purpose by the city council. If his certificate shows the petition to be insufficient, he shall within the said ten days so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within ten days after the giving of said notice. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and attach thereto his certificate of the result. If the petition is still insufficient, or if no amendment is made, he shall return the petition to one of the persons designated therein as filing it, without prejudice, however, to the filing of a new petition for the same purpose.

RECALL ELECTION.

Recall
election.

SECTION 36. If the petition or amended petition shall be found and certified by the clerk to be sufficient, he shall submit the same with his certificate to the city council without delay, and the city council shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order an election to be held on a Tuesday fixed by it, not less than thirty nor more than forty days after the date of the clerk's certificate that a sufficient petition is filed: *provided, however*, that if any other municipal election is to occur within sixty days after the date of the clerk's certificate, the city council may, in its discretion, postpone the holding of the removal election to the date of such other municipal election. If a vacancy occurs in said office after a removal election has so been ordered, the election shall nevertheless proceed as herein provided.

Proviso.

Officer
sought to
be removed
may be a
candidate.

SECTION 37. Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal elec-

tion, and the conduct of the same, shall all be in accord with the provisions of this charter, relating to elections.

SECTION 38. The incumbent shall continue to perform the duties of his office until the removal election. If then elected, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in the next section. If not then elected, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within ten days after notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

Incumbent to continue in office until, etc.

SECTION 39. No recall petition shall be filed against any officer until he has actually held his office for at least three months, nor, in the case of an officer re-elected in a removal election until six months after that election.

Time of holding office subject to recall.

SECTION 40. No person who has been removed from an office by recall, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such removal by recall or resignation.

Person removed by recall not to hold other office, etc.

SECTION 41. In the warrant for a removal election, there shall be printed, in not more than two hundred words, the reasons for demanding the recall of the officer as set forth in the recall petition, and, in not more than two hundred words, the officer may justify his course in office.

Reasons for demanding recall to be printed.

ORDINANCES AND RESOLUTIONS.

SECTION 42. In legislative session, the city council shall act by ordinance, resolution or order. The ayes and nays shall be taken upon the passage of all ordinances and resolutions, and entered upon the journal of its proceedings. Upon the request of any member, the ayes and nays shall be taken and recorded upon any order. Every ordinance passed by the city council shall require on final passage the affirmative vote of a majority of the members of the council.

Ordinance and resolution.

No ordinance shall be passed finally on the date on which it is introduced, except in cases of special emergency, for the preservation of the public peace, health or safety, and then only by unanimous vote of all members of the city council. No ordinance making a grant of any franchise or special privilege shall ever be passed as an emergency measure.

Enacting
clause of
ordinances.

The enacting clause of all ordinances passed by the city council shall be in these words: "Be it ordained by the city council of the City of Lawrence."

Proposed
ordinance
to be
published.

SECTION 43. Every proposed ordinance shall be published once in full, in at least two newspapers of the city, at least ten days before its final passage. After such final passage, it shall again be published in the city of Lawrence, as amended and completed, once in at least two newspapers, except in cases of an emergency ordinance, which may be passed as heretofore provided, and which shall take effect upon its passage, and shall so be published at the earliest possible moment.

Amendment
or repeal of
ordinance.

SECTION 44. No ordinance or section thereof shall be amended or repealed except by an ordinance regularly adopted.

DIRECT LEGISLATION BY THE PEOPLE.

Direct legis-
lation by the
people.

SECTION 45. Any proposed ordinance may be submitted to the city council by petition signed by qualified voters of the city equal in number to the percentage hereinafter required. The procedure in respect of such a petition shall be the same as that provided in sections twenty-nine, thirty and thirty-one of this charter, with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavit made.

City clerk
to certify
number of
names upon
petition, etc.

SECTION 46. If the petition accompanying the proposed ordinance be signed by qualified voters equal in number to at least twenty-five per cent of the last preceding vote cast in the city for all candidates for governor of the commonwealth, and contains a request that the proposed ordinance be submitted to a vote of the people, if not passed by the city council, the clerk shall thereupon ascertain and certify its number of qualified signers; whereupon if the certificate shows the required number of qualified signers, the city council shall within twenty days thereafter, either,

Pass said ordinance without alteration, (subject to the referendum vote provided by this article); or,

Call a special election, unless a general or special municipal election is to be held within ninety days thereafter, and at such general or special municipal election said proposed ordinance shall be submitted without alteration to the vote of the qualified voters of the city.

Proposed
ordinance to
be submitted

SECTION 47. If the petition be signed by qualified voters equal in number to at least twenty-five per cent of the last

preceding vote cast in the city for all candidates for governor of the commonwealth, as shown in the manner hereinbefore provided, and said proposed ordinance be not passed without alteration by the city council within twenty days, as provided in the preceding section, then such proposed ordinance, without alteration, shall be submitted by the city council to popular vote at the next municipal election.

to popular
vote in cer-
tain cases.

SECTION 48. No ordinance passed by the city council shall take effect until thirty days after its final passage and final publication, except an emergency ordinance, as provided for in this charter. If, within said thirty days, a petition signed by qualified electors of the city equal in number to at least twenty-five per cent of the last preceding vote cast in the city for all candidates for governor of the commonwealth, be presented to the city council, protesting against the taking effect of the ordinance or of any part thereof, the same shall thereupon and thereby be suspended from taking effect. The city council shall immediately reconsider the ordinance, and if the same be not repealed, the city council shall submit it, by the method herein provided, to a vote of the qualified voters of the city, either at the next general municipal election, or at a special election, which may, in their discretion, be called by them for that purpose; and the ordinance shall not take effect unless a majority of the qualified electors voting on the same at such election shall vote in favor thereof. The procedure in respect of the said referendum petition shall be the same as that provided in sections twenty-nine, thirty and thirty-one of this charter, with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavit made.

Time of
taking effect
of ordinance,
etc.

COUNCIL MAY ORDER A REFERENDUM.

SECTION 49. The city council may, of its own motion, submit to popular vote for adoption or rejection at a general or special municipal election, any proposed ordinance or measure, or a proposition for the repeal or amendment of any ordinance, in the same manner and with the same force and effect as are herein provided for submission on petition. If the provisions of two proposed ordinances or measures, submitted at the same election are inconsistent, then the ballot shall be so printed that the voter, first, can choose between any measure and none, and, secondly, can express

Council may
order a refer-
endum.

his preference between one measure and the other. If a majority of the votes on the first question are affirmative, then the measure receiving the larger number of votes shall become law. The city clerk shall print and distribute to each voter a sample ballot, together with the text of every measure to be submitted to a vote of the people. The ballots used in voting upon proposed ordinances shall state the nature of the ordinance in terms sufficient to show the substance thereof. If a majority of the qualified voters voting on a proposed ordinance shall vote in favor thereof, the same shall thereupon become an ordinance of the city.

Provision
for voting to
be made on
each ballot.

Not more
than one
special elec-
tion in six
months.

Repeal, etc.,
of certain
ordinances.

Regulations
for carrying
out provi-
sions of
charter.

SECTION 50. Provision shall be made on each ballot for voting upon all proposed ordinances submitted at that election.

SECTION 51. There shall not be held under sections forty-five to fifty-three, inclusive, more than one special election in any period of six months.

SECTION 52. An ordinance adopted by popular vote shall not be repealed or amended except by popular vote.

SECTION 53. The city council may, by ordinance, make such regulations, not in conflict herewith, as it may deem necessary to carry out the provisions of this charter.

CHARTER TO BE ACCEPTED BY THE VOTERS OF LAWRENCE.

Officers, etc.,
in the service
of the city
to continue
in office
until, etc.

SECTION 54. All officers and other persons in the service of the city when this charter takes effect shall continue to serve as such, shall receive the compensation provided by law or by ordinance, and shall have and exercise the powers, authority and jurisdiction theretofore possessed by them respectively, until the elective officers first elected hereunder shall have qualified, unless it is otherwise provided herein. Upon such qualification, the term of office of the mayor, aldermen and common council, who may be in office at the time when this charter takes effect shall terminate immediately, and all persons appointed or elected by them, whose terms shall not have expired, shall continue to draw compensation at the same rate, and to exercise the same powers, authority and jurisdiction as theretofore, until they are replaced or until the city council shall otherwise provide.

Duties of
mayor and
aldermen
relating to
elections.

SECTION 55. It shall be the duty of the mayor, the aldermen and common council, and the city clerk in office when this charter takes effect, to comply with all the requirements of this charter relating to elections, to the end that all things

may be done necessary to the nomination and election of the officers first to be elected under this act.

SECTION 56. All laws, ordinances, resolutions, orders, rules or regulations in force in the city of Lawrence at the time when this charter takes effect, not inconsistent with its provisions, whether enacted by authority of the city or by any other authority, shall continue in full force and effect until other provision is made by ordinance or law; all others are hereby repealed, but this repeal shall not revive any pre-existing enactment.

Certain laws, ordinances, etc., to continue in force.

SECTION 57. All official bonds, recognizances, obligations, contracts, and all other instruments entered into or executed by or to the city before this charter takes effect, and all taxes, fines, penalties, forfeitures incurred or imposed, due or owing the city, shall be enforced or collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this charter; and all legal acts done by or in favor of the city, shall be and remain as valid as though this charter had not been passed.

Bonds, recognizances, etc., to be enforced, etc.

SECTION 58. Part I of this act shall not take effect until accepted by the voters of the city as hereinafter provided, and if so accepted, it shall take effect for the next ensuing city election which shall be held on the third Tuesday of December in the year nineteen hundred and eleven. Thereafter, the said election shall be held biennially on the Tuesday after the first Monday in December. For all other purposes Part I of this act, if accepted, shall take effect at ten o'clock in the forenoon on the first Monday of January, nineteen hundred and twelve.

Subject to acceptance by the voters of the city, etc.

PART II.

SECTION 1. The inhabitants of the city of Lawrence shall continue to be a municipal corporation, under the name of the City of Lawrence, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties, liabilities and obligations provided for herein or otherwise pertaining to or incumbent upon said city as a municipal corporation.

City of Lawrence.

SECTION 2. The territory of the city shall continue to be divided into six wards, which shall retain their present boundaries until the same shall lawfully be changed.

Wards.

Government
of city, etc.

SECTION 3. The government of the city and the general management and control of all its affairs shall be vested in a city council which shall be elected and shall exercise its powers in the manner hereinafter set forth, except, however, that the general management and control of the public schools of the city and of the property pertaining thereto shall be vested in a school committee.

City council
and school
committee,
how com-
posed, etc.

SECTION 4. The city council shall consist of five members, to wit, a mayor and four aldermen. The school committee shall consist of the mayor and four other members. All the above officers shall be elected at large, by and from the registered voters of the city, for terms of two years, unless it is otherwise provided in this act.

ELECTIONS.

Municipal
election and
municipal
year.

SECTION 5. The municipal election shall take place annually on the second Tuesday of December, and the municipal year shall begin at ten o'clock in the forenoon of the first Monday in January, and shall continue until ten o'clock in the forenoon of the first Monday of the following January. Every special election shall be held on a Tuesday.

Election of
mayor, etc.

SECTION 6. In the year nineteen hundred and eleven and in every second year thereafter there shall be elected at the annual election of said city, the mayor, two aldermen and two members of the school committee for the term of two municipal years next following their respective elections. There shall also be elected at said annual city election in the year nineteen hundred and eleven two aldermen and two members of the school committee for the municipal year next following the said election. In the year nineteen hundred and twelve, and every second year thereafter, there shall be elected at the annual city election two aldermen and two members of the school committee, each for the two municipal years next following his election. Except as aforesaid, and as otherwise provided in this act, no city officer shall be elected at any city election. The above officers may be residents of any part of said city.

Preliminary
elections to
be held for
nominating
candidates,
etc.

SECTION 7. On the third Tuesday preceding every annual or special city election at which any officer mentioned in section four is to be elected there shall be held a preliminary election for the purpose of nominating candidates for such offices, as under the provisions of this act, or of any act in amendment thereof or in addition thereto, are to be filled at

such annual or special election. The notice calling for the preliminary election shall be issued at least forty days before the date of the city election. No special election for mayor or an alderman shall be held until after the expiration of forty days from the calling of the preliminary election, which under the provisions of this act is to be held on the third Tuesday preceding such special election.

SECTION 8. At every preliminary election the polls shall be opened at six o'clock in the forenoon and shall not be closed before four o'clock in the afternoon, and, except as is otherwise provided in this act, every such preliminary election shall be called by the same officers and held in the same manner as an annual city election. The polling places shall be designated, provided and furnished, and official ballots, special ballots, ballot boxes, voting lists, specimen ballots, blank forms, apparatus and supplies shall be provided for every such preliminary election, of the same number and kind and in the same manner as at an annual city election, and the same election officers shall officiate as at an annual city election.

Proceedings
at preliminary
elections.

SECTION 9. Except as provided in section sixty-three, there shall not be printed on the official ballots to be used at any annual or special city election of said city the name of any person as a candidate for mayor, alderman or member of the school committee, unless such person shall have been nominated for the office at a preliminary election held as provided in this charter. There shall not be printed on the official ballots to be used at a preliminary election the name of any person as a candidate for nomination unless such person shall have filed, within the time set forth in section ten of this charter, the statement of the candidate and the petition described in said section ten. Beginning with the current year, political committees in the city of Lawrence shall be elected at the state primaries instead of at the municipal primaries.

Names of
persons
nominated at
preliminary
elections to
be printed
on ballots.

SECTION 10. Any person eligible for any elective office for which provision is made herein may have his name printed as a candidate for that office on the official ballots to be used at a preliminary election, provided that he shall, at least ten days before the preliminary election, file with the city clerk a statement in writing of his candidacy, in substantially the following form: —

Persons
desiring to
have their
names
printed on
the official
ballots to
file a state-
ment of
candidacy.

STATEMENT OF CANDIDATE.

Form of
statement.

I, _____ on oath declare that I reside at No. _____ street, in the city of Lawrence; that I am a voter in said city registered to vote for a candidate for the office hereinafter named; that I am a candidate for nomination for the office of _____ for the term of _____ years, to be voted for at the preliminary election to be held on Tuesday, the _____ day of _____, 19____; and I request that my name be printed as a candidate for that office on the official ballots to be used at the preliminary election.
(Signed)

COMMONWEALTH OF MASSACHUSETTS.

Essex, ss.
Subscribed and sworn to this _____ day of 19____, before me,

Justice of the Peace.
(or Notary Public)

Petition to
be filed.

and provided that he shall at the same time file therewith a petition of at least twenty-five registered voters of the city, qualified to vote for a candidate for said office, which petition shall be in substantially the following form:—

PETITION ACCOMPANYING STATEMENT OF CANDIDATE.

Form of
petition.

Whereas _____ is a candidate for nomination for the office of _____ for the term of _____ years, we, the undersigned voters of the city of Lawrence, duly registered and qualified to vote for a candidate for that office, do hereby request that the name of said _____ be printed on the official ballots to be used at the preliminary election to be held on the _____ Tuesday of _____, 19____.
We further state that we believe him to be of good moral character, and qualified to perform the duties of the office.

Name of voters. _____ Street No. _____ Street, if any. _____

No acceptance
necessary.

No acceptance by a candidate for nomination named in the petition shall be necessary for its validity or for its filing, and the petition need not be sworn to.

List of nominations to
be published,
etc.

SECTION 11. On the first day, not being Sunday or a legal holiday, following the expiration of the time for filing the above described statements and petitions, the city clerk

shall cause to be published in one or more daily newspapers published in the city the names and residences of the candidates for nomination who have duly filed the above mentioned statements and petitions, and the offices and terms for which they are candidates for nomination, as they are to appear on the official ballots to be used at the preliminary election. The city clerk shall thereupon prepare the ballots to be used at such preliminary election, and shall cause them to be printed, and the ballots so prepared shall be the official ballots and the only ballots used at the preliminary election. They shall be headed as follows: —

OFFICIAL PRELIMINARY BALLOT.

Candidates for nomination for Mayor, Alderman and School Committee of the City of Lawrence. At a Preliminary Election for Nomination Held on the _____ Day of _____ in the Year Nineteen Hundred and _____.

Official preliminary ballot.

(The heading shall be varied in accordance with the offices for which nominations are to be made.)

SECTION 12. The name of every person who has filed a statement and petition as aforesaid, and his residence and the title and term of the office for which he is a candidate, shall be printed on said ballots, and the names of no other candidates shall be printed thereon. Ballots for use at the said election and for use by women qualified to vote for members of the school committee shall be prepared and furnished in the manner now provided by law.

Names to be printed on ballot, etc.

PARTY DESIGNATIONS ABOLISHED.

SECTION 13. No ballots used at any annual or special city election, or at any preliminary election, shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any party or political designation or mark, or anything showing how he was nominated, or indicating his views or opinions. On all ballots to be used at annual or special city elections, or at preliminary elections, blank spaces shall be left at the end of each list of candidates for the different offices equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office, provided that such person is eligible for that office.

No party designation to be used on ballots.

Blank spaces to be left:

Qualifica-
tions, etc.

SECTION 14. The qualifications for voting at a preliminary election shall be the same as the qualifications for voting at a city election.

Counting of
ballots, etc.

SECTION 15. The election officers shall, immediately upon the closing of the polls at preliminary elections, count the ballots and ascertain the number of votes cast in the polling places where they respectively officiate for each person for nomination for the office for which he was a candidate, and they shall forthwith make returns thereof to the city clerk upon blank forms to be furnished to them, as in city elections.

City clerk
to canvass
returns, etc.

SECTION 16. On the first day, not being Sunday or a legal holiday, following the preliminary election, the city clerk shall canvass said returns so received from the election officers, shall forthwith determine the results of the canvass, and shall forthwith cause the same to be published in one or more daily newspapers of said city.

NOMINATIONS.

Candidates
whose names
shall be
printed on
official bal-
lots, etc.

SECTION 17. The two persons receiving at a preliminary election the highest and second highest number of votes, respectively, for any office shall be the candidates whose names shall be printed on the official ballots to be used at the annual or special city election for which the preliminary election was held, except that in case two or more persons receive the same number of votes and more votes than any other person for the same office, then such persons shall be the candidates as aforesaid whose names shall be printed on the official ballots. If two or more persons are to be elected to the same office at an annual or special city election, the several persons, to a number equal to twice the number so to be elected to that office, receiving at said preliminary election the highest number of votes, the second highest number of votes, and so on to the number to be nominated, shall be the candidates whose names shall be printed on the official ballots to be used at such annual or special city election. If, in order to obtain the requisite number of candidates for any office it becomes necessary to take one of two or more persons having the same number of votes for the same office, then the names of all the aforesaid persons having the same number of votes for that office shall be printed on the official ballot to be used at such annual or special city election, together with the names of all persons, if any, receiving the

higher number of votes for that office, even though it makes the number of candidates more than twice the number to be chosen to the office. No names of candidates shall be printed on the official ballots except as provided in this section and in section sixty-three.

SECTION 18. No acceptance of a nomination made at a preliminary election shall be necessary for the validity of the nomination.

No acceptance necessary.

ELECTIONS.

SECTION 19. At a city election, other than the above described preliminary election, the person receiving the highest number of votes for an office shall be deemed and declared elected to that office, and if two or more persons are to be elected to the same office, the several persons receiving, respectively, the highest number of votes, the second highest, and so on to the number to be chosen to the office, shall be deemed and declared to be elected; but persons receiving the same number of votes shall not be deemed to be elected if thereby a greater number would be elected than are by law to be chosen.

Persons receiving the highest number of votes to be deemed elected, etc.

SECTION 20. The laws of the commonwealth relating to annual city elections, special elections of city officers, special elections in cities, election officers, voting places for elections, election apparatus and blanks, calling and conduct of elections, manner of voting at elections, counting and recounting of votes at elections, corrupt practices and penalties, shall apply to all elections under this act, including preliminary elections, except as is otherwise provided herein.

Provisions of law to apply.

GENERAL MEETINGS OF VOTERS.

SECTION 21. General meetings of the registered voters of the city shall be called by the city council upon petition of at least five hundred of said voters, which petition shall state the purpose or purposes of the meeting. The meeting shall be held not later than three weeks after the filing of the petition, and notice thereof shall be given by the city council on the front page of at least one daily newspaper of the city, not less than three times within two weeks after the filing of the petition. A presiding officer for the meeting shall be chosen by those present from the signers of the petition, and the city clerk shall act as clerk of the said meeting, and shall keep a complete record of the proceedings.

General meetings of voters.

If so requested in the petition or demanded at the meeting, any city officer or officers, whether chosen by the registered voters of the city or by the city council, shall attend the meeting, and, if called upon so to do, shall place before the meeting any facts, documents, or other information relative to the subject-matter of the petition.

Oath to be administered to persons called upon to testify.

The city clerk or justice of the peace shall administer an oath to any persons called upon to testify before the meeting, as aforesaid, including any city officers, whose presence has been requested or demanded, and any person so placed under oath who wilfully gives false testimony before the meeting upon any point material to the matter of inquiry shall be guilty of perjury and shall be subject to the provisions of chapter two hundred and ten of the Revised Laws and any amendments thereof. But no person shall be required to give testimony tending to incriminate himself.

Provisions of law to apply.

The provisions of sections eight and nine of chapter one hundred and seventy-five of the Revised Laws, and any amendments thereof, shall be applicable to the conduct of the said meeting. The meeting may be adjourned from time to time upon vote of those present. A copy of the record of the meeting and of any adjournment thereof shall be transmitted by the city clerk to the city council at its next meeting.

ABOLISHMENT OF PRESENT GOVERNMENT.

Abolishment of present government.

SECTION 22. At ten o'clock in the forenoon of the first Monday of January in the year nineteen hundred and twelve the city council, board of mayor and aldermen, board of aldermen and common council, board of engineers of the fire department, and the water board shall be abolished, the terms of office which the present mayor, aldermen, common councilmen, members of the school committee, board of engineers of the fire department and water board are now serving shall terminate, and, except as is otherwise provided in this act, all the present powers and duties under any general or special acts, of the mayor, board of mayor and aldermen, board of aldermen, city council, common council, board of engineers of the fire department, and water board shall devolve upon and be exercised and performed by the city council, which shall be elected according to the provisions of this act. At the aforesaid time the board of assessors shall become an appointive board, and shall be subject to all the provisions of this act relative

Powers and duties to devolve upon the city council, etc.

Board of assessors to become an appointive board.

to appointive boards. The city council shall be the judge of the election of its own members.

SECTION 23. The city council, elected as aforesaid, shall meet at ten o'clock in the forenoon on the first Monday of January in each year, and the members of the city council whose terms of office then begin shall severally make oath before the city clerk, or a justice of the peace, to perform faithfully the duties of their respective offices. The city council shall thereupon be organized by the choice of a president, who shall be called the president of the city council and shall hold his office during its pleasure. The president of the city council shall be some member thereof other than the mayor. The organization of the city council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve, or non-election of the mayor, or of one or more of the four other members: *provided*, that at least three of the persons entitled to be members of the city council are present and make oath as aforesaid. Any person entitled to make the aforesaid oath who was not present at the time fixed therefor may make oath at any time thereafter.

Organization
of city
council.

Proviso.

MEETINGS OF CITY COUNCIL.

SECTION 24. The city council shall fix suitable times for its regular meetings. The mayor, the president of the city council, or any two members thereof, may, at any time, call a special meeting, by causing a written notice, stating the time of holding the meeting and signed by the person or persons calling the same, to be delivered in hand to each member, or left at his usual dwelling place, at least six hours before the time of the meeting. Meetings of the city council may also be held at any time when all the members are present and consent thereto.

Meetings of
city council.

SECTION 25. A majority of the members of the city council shall constitute a quorum. Its meetings shall be public, and the mayor, if present, shall preside and shall have the right to vote. In the absence of the mayor, the president of the city council shall preside, and in the absence of both, a chairman pro tempore shall be chosen. The city clerk shall be, ex officio, clerk of the city council and shall keep the records of its proceedings. All votes of the members of the city council shall be by yeas and nays and shall be entered upon the records. The affirmative votes of at least three members shall be necessary for the passage of any order, ordinance, resolution or vote.

Quorum.

Meetings to
be public.

POWERS OF CITY COUNCIL.

Powers of
the city
council.

SECTION 26. The city council shall have the power to do, except as is otherwise provided in this act, without the approval of the mayor, all things which the city council, board of aldermen, common council, board of engineers of the fire department, and water board are now empowered to do with such approval. The city council shall determine the policy to be pursued and the work to be undertaken in each department, but each member of the city council shall have full power to carry out the policy or have the work performed in his department, as directed by the city council. Any notes, bonds or scrip which the city is authorized to issue shall be signed by its treasurer and countersigned by a majority of the city council.

To have
supervision
of the erec-
tion, etc., of
public build-
ings, etc.

SECTION 27. The city council shall have full supervision of the erection, alteration and repair of all public buildings, including school buildings. No department of the city, and no corporation or persons, shall at any time open, dig up or otherwise obstruct any way or sidewalk without the consent of the city council in writing, previously obtained, except in case of an emergency.

Management
and control
of the public
library.

SECTION 28. The public library of the city shall be under the management and control of a board of trustees to consist of the mayor, three trustees of the White Fund, these four to be members ex officio, and five citizens to be elected by the city council. The said board shall report to the city council annually in the month of January, stating the condition of the library, the number of books that have been added during the past year, with an account of all receipts and expenditures and such other information as they may deem important. All moneys received by the city from the county on account of dog licenses shall annually be appropriated for the increase of the library.

PUBLICITY FOR CONTRACTS.

Orders, etc.,
appropriat-
ing money
in excess of
a certain
amount to be
published,
etc.

SECTION 29. Neither the city council nor the school committee shall make or pass any order, resolution or vote appropriating money in excess of five hundred dollars, or making or authorizing the making of any contract involving a liability on the part of the city in excess of five hundred dollars, unless the same is proposed in writing and notice is given by the city clerk in at least one daily newspaper

of the city, not less than one week before its passage, except an order, resolution or vote for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a four fifths vote, and such notice shall be given as aforesaid upon the request of the city council or of the school committee.

SECTION 30. When the city council shall pass any measure, or an amendment or repeal of any measure, the measure, amendment or repeal so passed shall, except as is otherwise provided in this charter, take effect at the expiration of ten days after its passage: *provided, however,* that if there be a time therein specified when it shall take effect, and such time be more than ten days after its passage, such measure, amendment or repeal shall, except as is otherwise provided in this charter, take effect at the time so specified therein.

When measures passed shall take effect.

Proviso.

SECTION 31. No measure passed by the city council or by the voters, as provided in this act, shall require the approval of any court or of the attorney-general, or shall be required to be published in order to become effective, unless otherwise provided in this act.

Approval of the court or attorney-general not required.

SECTION 32. Upon vote of the city council the mayor shall sign, seal, execute and deliver in behalf of the city deeds and leases of lands sold or leased by the city, and other deeds, agreements, contracts, leases, indentures, assurances and instruments in behalf of the city, except as is otherwise provided herein.

Execution of deeds, etc.

SECTION 33. The mayor shall have no power of veto, and no measure which the city council shall make or pass shall be presented to him for, or shall require, his approval in order to be effective.

Mayor to have no power of veto.

SECTION 34. Each of the five directors provided for in section forty-one of this charter shall annually submit to the city council in the month of January detailed estimates of the amounts deemed necessary for his department for the financial year which shall begin on the first day of January. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made or liability incurred by or in behalf of the city until the city council has duly voted an appropriation sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable from said appropriation, except that after the expiration of the financial year and before the fifteenth day of March, upon vote of the city council,

Directors to submit annual estimates of expenses, etc.

liabilities payable out of the regular appropriation may be incurred to an amount not exceeding one fifth of the total appropriation made for similar purposes in the preceding year. At any time, the unexpended balance of any sum appropriated for a specific purpose, not further required for that purpose, may be transferred to another account by vote of the city council, but no money raised by loan shall be transferred to any appropriation from income or taxes. Nothing herein contained shall be taken to prohibit the payment at any time of executions against the city.

Expenditures not to exceed appropriations, except, etc.

SECTION 35. No officer of said city, except in case of extreme emergency involving the health or safety of the people or their property, shall expend in any fiscal year any sum in excess of the appropriation therefor duly made in accordance with law, and any officer who violates this provision shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

MONTHLY STATEMENTS.

The director of finance to make monthly statements.

SECTION 36. The director of finance shall each month have printed in pamphlet form a detailed itemized statement of all cash receipts and expenditures of the city during the preceding month, and of all bills and accounts owed by the city at the end of the preceding month, in such a manner as to show the gross monthly revenue and expense of each department, and shall furnish copies thereof to all heads of departments, to the public library, to the daily newspapers published in said city, and to persons who shall apply therefor at the office of the city clerk. At the end of the municipal year he shall cause a complete examination of all books and accounts of the city to be made by competent accountants, and shall publish the result of the examination in the manner above provided for the publication of monthly statements. The provisions of this section shall apply to the school department of the city, and the school committee shall furnish the director of finance with such information, facts, figures and data as may be necessary to carry out the provisions of this section so far as it applies to the school department.

CRIMINAL OFFENCE TO PARTICIPATE IN CONTRACTS.

SECTION 37. It shall be unlawful for any member of the city council or school committee, or for any officer or employee of the city, directly or indirectly to make a contract expressed or implied with the city, or to receive any commission, wages, discount, bonus, gift, contribution or reward from, or any share in the profits of, any person or corporation making or performing such a contract. No funds of the city of Lawrence shall be deposited in any bank or trust company of which the city treasurer or the treasurer of the sinking fund or any sinking fund commissioner is an officer, agent or stockholder. A violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the city. Any person violating any provision of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

Officers or employees of the city not to participate in contracts.

ADMINISTRATIVE OFFICERS.

SECTION 38. There shall be the following administrative officers who shall perform the duties prescribed by law for them, respectively, and such further duties, not inconsistent with the nature of their respective offices, and with general law, as the city council may prescribe, except as is otherwise provided herein: a city clerk, a city treasurer, a collector of taxes, a city auditor, a purchasing agent, a board of overseers of the poor consisting of five persons, a city engineer, a city physician, a board of health consisting of three persons, of whom the city physician shall be one, a city solicitor, a board of park commissioners consisting of five persons, a board of sinking fund commissioners consisting of three persons, a board of assessors consisting of three persons, a board of trustees of the public library consisting of nine persons, as provided in section twenty-eight of this chapter, and a board of cemetery directors consisting of five persons as hereinafter provided. The mayor shall be, ex officio, chairman and a member of the board of overseers of the poor.

Administrative officers.

SECTION 39. The board of cemetery directors shall consist of five persons, who shall be citizens of Lawrence, elected by the city council from the lot owners of the cemetery.

Board of cemetery directors, election, etc.

They shall have general supervision, control and management of the cemetery, except as may otherwise be provided by law or by city ordinance.

DEPARTMENTS.

Adminis-
trative de-
partments.

SECTION 40. The administration of all affairs of the city shall be divided into five departments, to wit: — department of finance and public affairs, department of engineering, department of public safety, department of public property, and department of public health and charities: —

Department
of finance,
etc.

The department of finance and public affairs shall include the following sub-departments and all boards and offices connected therewith, to wit: treasury, auditing, purchasing, assessing, sinking funds, tax collection, claims, registration of voters, city clerk and legal.

Department
of engineer-
ing.

The department of engineering shall include the following sub-departments and all boards and offices connected therewith, to wit: highways and other ways, street watering, sewers and drains, water and water works, bridges and engineering. The alderman having charge of this department, except as herein otherwise provided, shall have exclusively the powers of, and be subject to the liabilities and penalties imposed by law on, surveyors of highways.

Department
of public
safety.

The department of public safety shall include the following sub-departments and all boards and offices connected therewith, to wit: police, fire, lighting, wiring, weights and measures and conduits.

Department
of public
property.

The department of public property shall include the following sub-departments and all boards and offices connected therewith, to wit: buildings, parks and public grounds.

Department
of public
health, etc.

The department of public health and charities shall include the following sub-departments and all boards and offices connected therewith, to wit: health, city physician, poor and public hospitals.

Officials and
boards, ex-
cept the
school com-
mittee, to be
included in
the five
departments.

Every official or board having to do with the affairs of the city, with the exception of such as pertain to the school committee, shall be included in one of the above five departments, and if the assignment to a department is not made hereunder, the city council shall by ordinance assign such office, offices, board or boards to the department best adapted to include the same. Every such official or board shall be subject to the rules, regulations and orders of the member of the city council in charge of his department,

except as otherwise provided in this chapter, by the general laws or by ordinances of the city council.

SECTION 41. The mayor shall be director of the department of finance and public affairs and chairman, ex officio, of the school committee; and the city council shall, at the first regular meeting after the election of its members, designate by majority vote one alderman to be director of the department of engineering; one to be director of the department of public safety; one to be director of the department of public property, and one to be director of the department of public health and charities. Each member of the city council shall manage the department over which he shall be appointed director, subject, however, to the supervision and control of a majority of the members of the city council, acting jointly, except as otherwise provided in this act.

Powers of the mayor and the city council.

The city council may by a four fifths vote, when they deem it necessary for the interests of the city, change or alter the distribution of the executive and administrative powers, authorities and duties among the aforesaid five general departments: *provided, however*, that any such powers, authorities or duties pertaining to matters of finance shall always remain under the direction of the mayor.

Powers of departments may be changed, etc.

Proviso.

The council may also remove a director, except the mayor, from the supervision of one general department, and place him over another; but it shall not increase or diminish the number of the said general departments.

Removal.

SECTION 42. The city council, subject to the provisions of section forty-four, shall have the power to appoint, suspend or remove the following officers, to wit: the city clerk, city treasurer, collector of taxes, city auditor, city solicitor, purchasing agent, assessors, sinking fund commissioners, trustees of the public library, directors of the cemetery and overseers of the poor.

Appointment, suspension or removal of certain officers.

SECTION 43. The director of finance and public affairs, director of engineering, director of public safety, director of public property and the director of public health and charities shall be the administrative heads of their respective departments, and, except as is otherwise provided herein, shall have the power to appoint, suspend or remove, subject to the provisions of section forty-four and the laws of the commonwealth, any officer, officers, board or boards in their respective departments.

Directors of departments to be administrative heads, etc.

SECTION 44. Appointments to any office, offices, board or boards established by this act or by city ordinance, except

Provisions relating to appointments

to office,
etc.

foremen and day laborers and such offices as pertain to the school committee, shall be subject to the following provisions, to wit: — Two weeks preceding the appointment to any such office, offices, board or boards a statement of the position or positions to be filled shall be published in at least one daily newspaper of the city under the signature or signatures of the director or directors empowered to appoint, and he or they shall therein request any candidate or candidates for said position or positions to submit his or their candidacy in writing to the director or directors aforesaid, but nothing herein contained shall prevent the appointing power from rejecting any or all applicants and publishing a new statement of positions to be filled. Not less than two nor more than four days prior to said appointment, the said director or directors shall cause to be published on the front page of at least one daily newspaper of the city a list of the names of all candidates who have made written applications as aforesaid. All removals from appointive offices shall be accompanied by a statement of the reason or reasons therefor under the signature of the director removing the officer or officers, and a copy of the statement shall be filed in the office of the city clerk.

Removals.

Terms of
office, etc.

SECTION 45. All officers, whether heretofore elected or appointed, or appointed hereunder, shall, except as is otherwise provided herein, continue in office until their successors are appointed and qualified. Except as is otherwise provided herein, the term of office of any officer, officers, board or boards for which provision is herein made shall not be fixed, but shall continue indefinitely, subject to the provisions of this act regarding appointments, suspensions and removals.

RECORD OF EMPLOYEES.

Record of
employees.

SECTION 46. The director in charge of each department shall cause to be kept in his department a record, subject to public inspection, of all persons appointed and employed therein and of all persons suspended or removed, and, in case of suspension or removal, of the grounds therefor, but in case the grounds for suspension or removal impute crime or dishonesty to the person suspended or removed, he shall, at his request, be given a hearing by the city council at which he may appear personally or by counsel, and if exonerated, his removal shall be void.

PROVISIONS FOR CHANGES.

SECTION 47. The city council may from time to time, subject to the provisions of this act and in accordance with general laws, establish additional offices and boards, assign them to the proper departments, and determine the number and duties of the incumbents thereof; and for such purposes it may delegate to such offices and boards any part of the administrative powers given by this charter to the directors hereinbefore mentioned. The city council may also from time to time consolidate appointive offices and boards, separate and distribute the powers and duties of those already established, increase or diminish the number of persons who shall perform the duties of any appointive office or board, or abolish any appointive office or board, subject to the provisions of this act and in accordance with general laws.

Additional
offices may
be estab-
lished, etc.

SECTION 48. All administrative officers shall be sworn to the faithful discharge of their respective duties, and certificates of their oaths shall be made and kept in the office of the city clerk. All administrative boards and officers shall keep a record of their official transactions, and such records shall be open to public inspection.

Adminis-
trative
officers to be
sworn, etc.

BONDS.

SECTION 49. The city council shall require the city treasurer, the collector of taxes, the city auditor and the purchasing agent to give bonds, with such surety or sureties as it shall deem proper, for the faithful discharge of their respective duties, and may require any other municipal officer intrusted with the receipt, disbursement or care of money or property belonging to the city to give such a bond. Every bond required shall be in a form satisfactory to the city solicitor and subject to the approval of the city council, and the bond shall be executed, approved and delivered before any such officer shall enter upon the duties of his office and within ten days after his election. Should any such officer fail to give the bond within the time herein required, his election or appointment to office shall be void, and a new election shall be held, or a new appointment shall be made, forthwith. In case of the death or insolvency of any of the sureties upon bonds so given, the principal shall immediately give a new bond with sufficient sureties

Certain
officers to
give bonds,
etc.

in the manner herein provided; and if he fails to give such new bond within ten days after notice to do so, it shall be sufficient cause for his removal.

Adminis-
trative
boards, etc.,
to give
certain in-
formation,
etc.

SECTION 50. Every administrative board, through its chairman or a member designated by the board, and every officer in charge of a department, may appear before the city council, and at the request of the city council shall appear before it, and give information in relation to anything connected with the discharge of the duties of such board or officer; and the officer who so appears shall have the right to speak upon all matters under consideration relating to his department.

PURCHASING DEPARTMENT.

Purchasing
agent,
powers and
duties, etc.

SECTION 51. The purchasing department shall consist of a purchasing agent and such assistants as the city council may from time to time deem necessary. The purchasing agent shall purchase all supplies for the city, except in case of an emergency; but all purchases or contracts for purchase exceeding twenty-five dollars in amount shall be based upon competition, and no purchases or contracts for purchase shall be made involving the expenditure of more than twenty-five dollars for any one class of supplies in any month, except by competition. The purchasing agent shall purchase all supplies for the school department in accordance with instructions given to him by the school committee. A record shall be kept by this department of the prices paid, and to whom paid, for all supplies, which shall be open to the inspection of any citizen. The salaries in this department shall be fixed by the city council.

SALARIES.

Salaries.

SECTION 52. The salary of the mayor shall be thirty-five hundred dollars per annum, and the salary of each of the remaining four members of the city council shall be twenty-five hundred dollars per annum. These salaries shall be payable in equal monthly installments.

Holding of
other office
by member
of the city
council for-
bidden.

Compensa-
tion of
appointive
officers.

SECTION 53. No member of the city council shall, during the term for which he was chosen, hold any other office the salary of which is payable by the city.

SECTION 54. The city council shall establish by ordinance the salary or compensation of every appointive officer; but after the first municipal year succeeding the acceptance of

this act no ordinance changing any such salary or compensation shall take effect until the municipal year succeeding that in which the ordinance is passed.

SCHOOLS.

SECTION 55. The management and control of the public schools of the city shall be vested in the school committee, consisting of the mayor ex officio, and four other members elected in accordance with the provisions of this act. Three of its members shall constitute a quorum. The mayor, when present, shall preside, and its meetings shall be public. All final votes of the school committee involving the expenditure of fifty dollars or over shall be by yeas and nays and shall be entered on the records. The committee shall vote by yeas and nays, when that is practicable, and on request of one member any vote shall be by yeas and nays and shall be entered upon the records. The affirmative vote of at least three members shall be necessary for the passage of any order, resolution or vote.

School committee, how constituted, etc.

SECTION 56. The school committee shall meet for organization on the Tuesday next after the first Monday in January of each year. The committee shall be the judge of the election and qualifications of its members, and shall determine the rules for its proceedings, unless it is otherwise provided herein. The members of the school committee shall be sworn to the faithful discharge of their duties.

Organization, etc.

SECTION 57. The school committee shall elect a superintendent of schools, and may appoint such subordinate officers and assistants, including janitors of school buildings, as it may deem necessary for the proper discharge of its duties and the conduct of its business; it shall define their terms of service and their duties, and shall fix their compensation, and may suspend or remove them at pleasure. No member of the school committee, except the mayor, shall, during the term for which he is elected hold any other office or position the salary or compensation for which is payable out of the city treasury.

Superintendent of schools, etc.

SECTION 58. The school committee, in addition to the powers and duties pertaining by law to school committees, shall have power to provide, when they are necessary, temporary accommodations for school purposes and shall have the control of all school buildings and of the grounds connected therewith, except as is otherwise provided herein.

The school committee may provide temporary accommodations for schools, etc.

School committee to approve sites for school buildings, etc.

SECTION 59. No site for a school building shall be acquired by said city unless the approval of the site by the school committee is first obtained. No plans for the construction of or alterations in a school building shall be accepted, and no work shall be begun on the construction or alteration of a school building unless the approval of the school committee therefor is first obtained. Nothing herein contained shall require such approval for the making of ordinary repairs.

VACANCIES.

Vacancy in municipal council, how filled.

SECTION 60. If there be a vacancy, by failure to elect or otherwise, in the city council the council shall, by its remaining members, call a special city election to fill the vacancy or vacancies for the unexpired term or terms; except that if such vacancy or vacancies occur less than four months prior to the annual city election, the city council shall, by its remaining members, fill the vacancy or vacancies for the unexpired term or terms respectively. A person elected to fill any such vacancy shall, before entering upon the duties of his office, take oath before the city clerk or a justice of the peace faithfully to perform the same.

Who shall act in case of death, etc., of mayor.

SECTION 61. Upon the death, resignation or absence of the mayor, or upon his inability to perform the duties of his office, the president of the city council shall perform them, and if he also is absent or unable from any cause to perform said duties, they shall be performed by such member of the city council as it may, from time to time elect, until the mayor or president of the city council is able to attend to the duties, or until the vacancy is filled, as hereinbefore provided. The person upon whom such duties devolve shall be called "acting mayor", and, except as is otherwise provided in this act, shall possess the powers of mayor, but only in matters not admitting of delay.

Vacancies in school committee, how filled.

SECTION 62. If there is a vacancy in the school committee, by failure to elect or otherwise, the mayor shall call a joint convention of the city council and the school committee, at which the mayor, if present, shall preside, and the vacancy shall, by vote of a majority of all the members of the two bodies, be filled by the election of a member to serve for the remainder of the municipal year. At the next annual municipal election thereafter a member shall be elected by the qualified voters of the city to serve for the remainder of the unexpired term of the member whose office is vacant.

RECALL.

SECTION 63. The holder of any elective office may be removed at any time by the voters qualified to vote at city elections, and the procedure to effect his removal shall be as follows: — A petition signed by a number of such voters equal to at least twenty-five per cent of the aggregate number of votes cast for candidates for mayor at the last preceding annual election at which a mayor was elected, demanding an election of a successor to the person sought to be removed shall be filed in the office of the city clerk. The petition shall contain a general statement of the grounds upon which the removal is sought. It need not be on one paper, but may consist of several distinct papers, each containing the said demand and substantially upon the same grounds, and all papers containing the said demand and statement which, in any one day, shall be filed at the office of the city clerk, shall be deemed parts of the same petition. Every signer shall add to his signature his place of residence, giving the street and street number, if any. One signer of every such paper shall make oath upon his information and belief before a notary public or a justice of the peace that the statements therein made are true, and that each signature to the paper is the genuine signature of the person whose name it purports to be. Within ten days after the date of the filing of the petition, the city clerk, with the assistance of the registrars of voters, shall examine the petition to ascertain whether or not it is signed by the requisite number of voters, as above prescribed, and shall attach to the petition a certificate showing the result of his examination. If, from the city clerk's certificate, the petition appears not to be signed by the requisite number of voters, it may be supplemented, within ten days after the date of such certificate, by other papers, signed and sworn to as aforesaid, and all other papers containing a like demand and statement and signed and sworn to as aforesaid shall be deemed supplemental to the original petition. The city clerk shall, within ten days after the expiration of the time allowed for filing the supplementary petition, make a like examination of such petition, if any is filed, and shall attach thereto a new certificate and, if it appears from such new certificate that the petition is still insufficient as to the number of signers as aforesaid, it shall be returned to the person or persons filing the same, without

Holder of
an elective
office may
be removed.

Method of
removal.

prejudice, however, to the filing of a new petition to the same effect. If the petition, as originally filed or as supplemented, shall be certified by the city clerk to be sufficient, he shall present the same to the city council without delay, and the city council shall call the election so demanded, and shall fix a date for holding the same, which shall not be less than sixty nor more than seventy days after the date when the petition was presented by the city clerk to the city council. The city council shall make or cause to be made all arrangements for holding the election, and the same shall be held and conducted, returns thereof made, and the results thereof declared in all respects as in the case of other city elections. The successor of any person removed shall hold office during the unexpired term of his predecessor.

Person
sought to be
removed
may be a
candidate,
etc.

Any person sought to be removed may be a candidate at the said election, and, unless he requests otherwise in writing, the city clerk shall place his name on the official ballots without nomination. The person receiving the highest number of votes shall be declared elected. If some person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed to be removed from office. In case a person other than the incumbent receiving the highest number of votes shall fail to make oath before the city clerk or a justice of the peace within thirty days after his election faithfully to perform the duties of the office, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office until the end of the term which he is serving at the time of the election, unless sooner removed therefrom by new and like proceedings. The name of no candidate, other than the person sought to be removed, shall be printed on the official ballots to be used at the said election unless such candidates be nominated as hereinbefore provided at a preliminary election.

INITIATIVE.

Initiative.

SECTION 64. If a petition, signed by a number of the voters of said city, qualified to vote at city elections, equal to at least twenty-five per cent of the aggregate number of votes cast for the candidate for mayor at the last preceding annual city election at which a mayor was elected, and requesting the city council to pass any measure therein set forth or referred to, shall be filed in the office of the city

clerk, the city council, provided said measure be one which it has a legal right to pass, shall, Initiative.

(a) Pass said measure without alteration, within twenty days after the attachment of the city clerk's certificate of sufficiency to such petition, or

(b) Forthwith, after the expiration of twenty days after the attachment of the said certificate of sufficiency to the petition, call a special election, unless an annual city election is to be held within ninety days after the attachment of the certificate of sufficiency; and at such special election or annual city election, if one is so to be held, submit said measure without alteration to the voters of the city qualified as aforesaid. The date of said election shall be fixed as provided by section sixty-three.

If, however, a petition like the above described petition, and signed by a number of qualified voters equal to at least ten per cent, but less than twenty-five per cent of the aggregate number of votes cast as aforesaid, is filed as aforesaid the city council shall

(c) Pass the measure therein set forth or referred to without alteration, within twenty days after such attachment of the certificate of sufficiency, or

(d) Submit the same to the qualified voters of the city at the next annual city election.

The votes upon the said measure at an annual city election or at a special election shall be taken by ballot in answer to the question "Shall the measure (stating the nature of the same) be passed?" which shall be printed on the ballots after the list of candidates, if there be any. If a majority of the qualified voters voting on the proposed measure shall vote in favor thereof, it shall thereupon become a valid and binding measure of the city, and no such measure passed as aforesaid by the city council, upon petition as aforesaid, or which shall be adopted as aforesaid at any such annual city election or special election shall be repealed or amended except by the qualified voters of the city at an annual city election or special election. Not more than two measures requested by petition as aforesaid may be voted upon at the same election in accordance with the provisions of this section. The city council may submit a proposition for the repeal of any such measure, or for amendment thereof, to be voted upon at any succeeding annual city election; and should such proposition as submitted receive a majority of the votes cast thereon at the election the measure shall thereby be repealed or amended

Votes upon
certain
measures
to be by
ballot, etc.

Votes upon
certain
measures
to be by
ballot, etc.

accordingly. The vote upon such repeal or amendment at the annual city election shall be taken by ballot in answer to the question "Shall the measure (stating the nature of the same) be repealed or amended (stating the nature of the amendment)?" which shall be printed on the ballots after the list of candidates, if there be any. Whenever any such measure or proposition is required by this act to be submitted at any election as aforesaid, the city clerk shall cause the same to be published once in each of the daily newspapers published in said city; such publication to be not more than twenty nor less than five days before the submission of the measure or proposition to be voted on. Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the measure, the passage of which is requested, shall be set forth or referred to, and all such papers filed in any one day in the office of the city clerk shall be deemed to be parts of the same petition. Such petitions shall be signed, sworn to as to signatures, examined, re-examined, presented to the city council, shall have the city clerk's certificate of sufficiency or insufficiency attached thereto, and may be supplemented in the same manner as petitions filed under section sixty-three. Any measure, passed under the provisions of this section by the city council or by the voters may prescribe such penalty for its violation as the city council after this act takes effect shall have a right to affix to a like measure for a breach thereof.

REFERENDUM.

Referendum.

SECTION 65. If, during the ten days next following the passage of any measure by the city council a petition, signed by a number of voters of said city, registered to vote at city elections, equal to at least twenty-five per cent of the aggregate number of votes cast for candidates for mayor at the last preceding annual city election at which a mayor was elected, and protesting against the passage of such measure, shall be filed in the office of the city clerk, the measure shall be suspended from going into operation, and it shall be the duty of the city council to reconsider the same, and if it is not wholly repealed the city council shall submit it, as is provided in sub-division (b) of section sixty-four to the registered voters of the city, and the said measure shall not go into effect or become operative unless a majority of the voters, qualified as afore-

said, voting on the same shall vote in favor thereof. The vote upon such a measure at an annual city election or special election shall be taken by ballot in answer to the question "Shall the measure (stating the nature of the same) take effect?" which shall be printed on the ballot after the list of candidates, if there be any. Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the measure, the passage of which is protested, shall be set forth or referred to, and all such papers filed in any one day shall be deemed to be parts of the same petition. Such petitions shall be signed, sworn to as to signatures, examined, re-examined, presented to the city council, shall have the city clerk's certificate of sufficiency or insufficiency attached thereto, and may be supplemented, in the same manner as petitions filed under section sixty-three.

SECTION 66. It shall not be necessary for the validity of any petition or statement provided for or required by the provisions of this act that any signer thereof add to his signature any residence other than the name of the street and street number, if there be any, at which he resides at the time of signing. Signers to petitions, etc.

SECTION 67. Chapter two hundred and seventy-six of the acts of the year eighteen hundred and ninety-one and all special acts and parts of special acts applying to the city of Lawrence inconsistent herewith are hereby repealed, and all general acts and parts of general acts inconsistent herewith, shall not hereafter apply to the city of Lawrence: *provided, however*, that this repeal shall not affect any act done, or any right accruing or accrued or established or any suit or proceeding begun in any civil case before the time when such repeal takes effect, and that no offences committed and no penalties or forfeitures incurred under the acts or parts of acts hereby repealed shall be affected by such repeal; and *provided, also*, that all persons who, at the time when said repeal takes effect, shall hold any office under said acts shall continue to hold the same, except as is otherwise provided herein, and *provided, also*, that all ordinances of the city of Lawrence in force at the time when said repeal takes effect, and not inconsistent with the provisions of this act, shall continue in force until the same are repealed or amended, and all officers elected under such by-laws and ordinances shall continue in office, except as is otherwise provided herein. Repeal.

Provisos.

Granting of franchises to be approved by voters, etc.

SECTION 68. No vote of the city council granting a general franchise to any person or corporation shall be valid unless the same shall be approved by a vote of the qualified voters of the city voting at large in their respective precincts at the annual municipal election. This section shall apply only to such franchises, if any, as under any general or special laws any municipal board or officers of said city may at present be authorized to grant or bestow, and shall not be construed or taken as authorizing the grant of any franchise unless such grant is now or hereafter authorized by law.

Acceptance of act, etc.

SECTION 69. Part II of this act shall not take effect until accepted by the voters of the city as herein provided, and if so accepted, it shall take effect for the next ensuing annual city election which shall be held on the third Tuesday of December in the year nineteen hundred and eleven. Thereafter, the said annual election shall be held on the second Tuesday in December. For all other purposes Part II of this act, if accepted, shall take effect at ten o'clock in the forenoon on the first Monday of January, nineteen hundred and twelve.

PART III.

To be submitted to voters at the next state election.

SECTION 1. This act shall be submitted to the registered voters of the city of Lawrence at the state election in the year nineteen hundred and eleven. At the said election the voters shall vote primarily on the following question: "Shall the present charter of the city of Lawrence be repealed?" and secondarily on the following question: If the present charter of the city of Lawrence is repealed, shall the new charter of the city be:

"Plan 1, which establishes a city government consisting of a mayor and a council of nine members", or

"Plan 2, which establishes a government by commission."

If on a majority of the ballots cast at said election, the votes shall be for a repeal of the present charter of the city of Lawrence, the plan receiving the larger number of votes on the secondary question shall be adopted as the charter for the city of Lawrence. Plan 1 shall include all of the provisions of Part I of this act and if said Plan 1 is adopted, Part II of this act shall be inoperative. Plan 2 shall include all of the provisions of Part II of this act and if said Plan 2 is adopted, Part I of this act shall be inoperative. If on any ballot, the voter shall vote for both Plan 1 and Plan 2,

so much of said ballot as refers to the secondary question shall not be counted.

SECTION 2. So much of this act as provides for its submission to the voters of the city of Lawrence shall take effect upon its passage.

Time of taking effect.

Approved June 30, 1911.

AN ACT TO PROVIDE FOR COMPLETING AN INVESTIGATION OF THE WATER POWER OF THE COMMONWEALTH AND FOR DETERMINING THE BEST METHODS OF UTILIZING THE SAME.

Chap. 622

Be it enacted, etc., as follows:

SECTION 1. The unexpended part of the appropriation made in the year nineteen hundred and nine for the purposes specified in chapter three hundred and fifty-nine of the acts of the year nineteen hundred and nine may be expended in completing the determination of the amount of water power available on the streams of the commonwealth and for investigating the best methods of utilizing the same.

Investigation of water power.

SECTION 2. The provisions of said chapter three hundred and fifty-nine shall apply to the completion of said determination and investigation.

Certain provisions to apply.

SECTION 3. A brief report of the work done under the provisions of this act shall be made to the governor by the director of the United States Geological Survey on the first day of January, nineteen hundred and twelve, and a final report shall be made by said director to the governor on or before the first day of January, nineteen hundred and thirteen, embodying the complete results of the investigation.

Report.

SECTION 4. This act shall take effect upon its passage.

Approved June 30, 1911.

AN ACT TO EXTEND THE TERM OF OFFICE AND TO DEFINE THE DUTIES OF THE MEMBERS OF THE BOSTON TRANSIT COMMISSION.

Chap. 623

Be it enacted, etc., as follows:

SECTION 1. The term of office of the members of the Boston transit commission is hereby extended for three years from the first day of July in the year nineteen hundred and eleven.

Term of office extended.

SECTION 2. The powers, duties and compensation of said commission during said term of three years shall be the

Powers, duties, etc., to continue.

same as are specified in chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four and in acts in amendment thereof or in addition thereto, except as hereinafter provided. Any vacancy in said commission shall be filled in the manner provided in said chapter five hundred and forty-eight.

SECTION 3. This act shall take effect upon its passage.

Approved June 30, 1911.

Chap. 624 AN ACT RELATIVE TO REMOVALS, SUSPENSIONS AND TRANSFERS IN THE CIVIL SERVICE.

Be it enacted, etc., as follows:

Removals,
suspensions,
etc., in the
civil service.

SECTION 1. Every person now holding or hereafter appointed to an office classified under the civil service rules of the commonwealth, except members of the police department of the city of Boston, of the police department of the metropolitan park commission, and except members of the district police, whether appointed for a definite or stated term, or otherwise, who is removed therefrom, lowered in rank or compensation, or suspended, or, without his consent, transferred from such office or employment to any other, may, after a public hearing, as provided for by section two of chapter three hundred and fourteen of the acts of the year nineteen hundred and four, as amended by chapter two hundred and forty-three of the acts of the year nineteen hundred and five, and within ten days after such hearing, bring a petition in the police, district or municipal court within the judicial district where such person resides, addressed to the justice of the court and praying that the action of the officer or board in removing, suspending, lowering or transferring him may be reviewed by the court, and after such notice to such officer or board as the court may think necessary, it shall review the action of said officer or board, and hear the witnesses, and shall affirm said order unless it shall appear that said order was made by said officer or board without proper cause or in bad faith, in which case said order shall be reversed and the petitioner be reinstated in his office. The decision of the justice of said police, district or municipal court shall be final and conclusive upon the parties.

SECTION 2. This act shall take effect upon its passage.

Approved July 3, 1911.

AN ACT RELATIVE TO VACATIONS OF MEMBERS OF POLICE DEPARTMENTS ELSEWHERE THAN IN THE CITY OF BOSTON. *Chap. 625*

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter two hundred and ten of the acts of the year nineteen hundred and eleven is hereby amended by striking out the words "mayor and", in the second line, so as to read as follows: — *Section 3.* This act shall take effect in any city upon its acceptance by the city council or corresponding board of the city, and in any town upon its acceptance by the selectmen of the town. 1911, 210,
§ 3, amended.

Acceptance
of act.

SECTION 2. This act shall take effect upon its passage.

Approved July 3, 1911.

AN ACT TO AUTHORIZE THE TOWN OF WEST BRIDGEWATER TO MAKE AN ADDITIONAL WATER LOAN. *Chap. 626*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and thirty-eight of the acts of the year nineteen hundred and ten is hereby amended by inserting after the word "Brockton", in the fourth line, the words: — or from the Bridgewater Water Company or from both said city and said company, — and also by inserting after the word "city", in the fifth line, the words: — or said water company, — so as to read as follows: — *Section 1.* The town of West Bridgewater may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes, to be obtained from the city of Brockton, or from the Bridgewater Water Company or from both said city and said company upon such terms as may be agreed upon by said city or said water company and said town; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid therefor. 1910, 138,
§ 1, amended.

West Bridge-
water water
supply, etc.

SECTION 2. This act shall take effect upon its passage.

Approved July 3, 1911.

AN ACT RELATIVE TO WILLIAM C. CAPELLE AND WILLIAM D. HAWLEY. *Chap. 627*

Be it enacted, etc., as follows:

SECTION 1. William C. Capelle, employed in the department of the adjutant general, and William D. Hawley, Retirement
of certain
persons in

the employ
of the com-
monwealth.

Proviso.

employed in the department of the auditor of the commonwealth, who have served the commonwealth continuously for more than forty-five years and have arrived at the age of seventy years, may, with the approval of the governor, be retired by the heads of the departments in which they are respectively employed, with an annuity of not more than fifty per cent of the salary paid them at the time of said retirement: *provided, however,* that the heads of the departments in which they are now respectively employed may continue them or either of them in such service beyond the age limit specified in this act so long as it may be for the interest of the public service to retain them or either of them.

SECTION 2. This act shall take effect upon its passage.
Approved July 6, 1911.

Chap.628 AN ACT TO PROVIDE FOR THE CONTROL AND REGULATION OF
FRATERNAL BENEFIT SOCIETIES.

Be it enacted, etc., as follows:

INDEX.

SECT. 1,	Defines Fraternal Beneficiary Society.
" 2,	Defines Lodge System.
" 3,	Defines Representative Form of Government.
" 4,	Exemption from Other Laws.
" 5,	Benefits.
" 6,	Beneficiaries.
" 7,	Eligibility to Membership.
" 8,	Certificates and Contracts.
" 9,	Funds — Source and Maintenance of.
" 10 and 11,	Investments and Use of Funds.
" 12,	Organization and Incorporation.
" 13,	Reincorporation.
" 14,	Transfers or Mergers.
" 15,	License to transact Business.
" 16 and 17,	Admission to Foreign Society.
" 18, 19 and 20,	Miscellaneous.
" 21,	Filing Amendments to By-laws.
" 22 and 23,	Annual Statements and Valuations.
" 24, 26 and 27,	Examinations.
" 28,	Revocation of Authority of Foreign Society.
" 29 <i>a</i> ,	Societies with Limited Membership.
" 29 <i>b</i> ,	Certain Societies exempt.
" 30,	Taxes.
" 31,	Penalties.

Certain
organizations
declared to
be fraternal
benefit
societies.

SECTION 1. Any corporation, society, order, fraternity, voluntary association or other organization without capital stock, organized and carried on solely for the mutual benefit of its members or their beneficiaries, and not for profit, and either with a lodge system with ritualistic form of work and representative form of government, or without a lodge

system under the direct control of the members, and which makes provision for the payment of death or disability benefits, or for both, is hereby declared to be a fraternal benefit society.

SECTION 2. Any such society having a supreme governing or legislative body, and subordinate lodges or branches, by whatever name known, to which members shall be elected, initiated and admitted in accordance with its constitution, laws, rules, regulations and prescribed ritualistic ceremonies, which subordinate lodges or branches shall be required by the laws of such society to hold regular or stated meetings at least once in each month, shall be deemed to be operating on the lodge system.

Societies operating on the lodge system.

SECTION 3. Any such society shall be deemed to have a representative form of government when it shall provide in its constitution and laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected directly or indirectly by the members, together with such other members as may be prescribed by its constitution and laws: *provided*, that the elective members shall have not less than two thirds of the votes nor less than the votes required to amend its constitution and laws; and *provided, further*, that the meetings of the supreme or governing body and the election of officers, representatives or delegates shall be held as often as once in four years. The members, officers, representatives or delegates of a fraternal benefit society shall not vote by proxy.

Form of government.

Provisos.

SECTION 4. Such societies shall be governed by this act and shall be exempt from all provisions of the insurance laws of this commonwealth, except section one hundred of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven, not only in governmental relations with the state, but for every other purpose, and no law hereafter enacted shall apply to them, unless they are expressly designated therein. Except as provided in this act and in Revised Laws, chapters one hundred and eighteen and one hundred and twenty, and amendments to said chapters, the transaction of an insurance business in this commonwealth is prohibited.

To be exempt from certain provisions of law, etc.

SECTION 5. SUBSECTION 1. Every society transacting business under this act may provide for the payment of death benefits, and may provide for the payment of benefits in case of temporary or permanent physical disability, either

Payment of death benefits, etc.

Provisos.

as the result of disease, accident or old age: *provided*, that the period of life at which the payment of benefits for disability on account of old age shall commence shall not be under seventy years. Such society shall have the power to give a member, when permanently disabled, or on attaining the age of seventy, all, or such portion, of the face value of his certificate as the laws of the society may provide; *provided*, that nothing in this act shall be so construed as to prevent the issuing of benefit certificates, for a term of years less than the whole of life, which are payable upon the death or permanent disability of the member occurring within the term for which the benefit certificate is issued. Such society shall, upon written application of a member, have the power to accept a part of the periodical contributions for mortuary purposes in cash and charge the remainder, not exceeding one half of the periodical contributions, against the certificate, with interest payable or compounded annually at a rate not lower than four per cent per annum, *provided*, that this privilege shall not be granted except to societies which have readjusted, or may hereafter readjust, their rates of contributions, and to contracts affected by such readjustment, and *provided, further*, that the yearly amount, and the amount in the aggregate of such charges against the certificates of members, including interest charged, as cannot be collected on account of the lapsing of members against whose certificates such charges have been made, shall be stated in the records of the proceedings of the annual or other regular meetings of the society. Such society now providing for tombstones to the memory of deceased members may continue such provision, but not at an expense in excess of one hundred dollars for any member.

Certain societies may grant extended, etc., protection.

Proviso.

SUBSECTION 2. Any society which shall show by the annual valuation hereinafter provided for that it is accumulating and maintaining the full reserve required by a table of mortality not lower than the American Experience Table and four per cent interest, may grant to its members such extended or paid-up protection as its constitution and laws may provide: *provided*, that such grants shall be equitable, and shall in no case exceed in value the portion of the reserve derived from the payments of the individual members to whom they are made.

Distribution of surplus, etc.

SUBSECTION 3. Whenever the actual assets of a society exceed its liabilities, including in liabilities the net value of its outstanding contracts computed on the basis specified in

subsection two of this section, by an amount equal to five per cent of said net value, such society may make an equitable distribution of any surplus in excess of said five per cent by a reduction of the periodical contributions of its members.

SECTION 6. Death benefits shall be payable only to the wife, husband, relative by blood, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchildren, betrothed, children of parents by legal adoption of or to a person or persons dependent upon the member: *provided*, that if after the issuance of the original certificate the member, his wife or minor children, shall become dependent upon an incorporated charitable institution or upon a home situated within this commonwealth and incorporated under the laws thereof and maintained and supported by any secret fraternity or order for the care and maintenance of its aged, infirm, indigent or unfortunate members, or for the care and support of a wife or widow of such a member, or for the care, support and education of minor children of such members or of deceased members, he shall have the privilege, with the consent of the society, of making such institution or home his beneficiary to the full amount becoming due or payable under said certificate, or to the extent of the amount disbursed for the benefit of said member, his wife, widow or child, by such charitable institution or home at the rate of average cost of maintenance or care thereof during the period such member, his wife, widow or children shall be so cared for, together with any sums expended by such institution or home for assessments, dues, tax or other payments by reason of such benefit certificate and, subject to the limitation of this section, another person as beneficiary of the remainder. Within the above restrictions each member shall have the right to designate his beneficiary, and, from time to time, have the same changed in accordance with the laws, rules or regulations of the society; and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the said member; *provided*, that any society may, by its laws, limit the scope of beneficiaries within the above classes.

Death benefits, to whom payable, etc.

Provisos.

If a benefit certificate has been lawfully issued, and the beneficiary therein named, and the wife, husband, relative by blood, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchildren, betrothed,

In cases of death of beneficiary payment may be made to another person.

children or parents by legal adoption of or to a person or persons dependent upon the member named in the benefit certificate have all died, the member, with the consent of the officers of the corporation, and under such rules as they may prescribe, may have any other person substituted as beneficiary therein.

Validity of contract.

No contract under this act, except where an incorporated charitable institution or home is made beneficiary as aforesaid, shall be valid which shall be conditioned upon an agreement or understanding that the person to whom the death benefit is made payable shall pay the periodical or other contributions of the member.

Beneficial members may be admitted.

SECTION 7. Any society may admit to beneficial membership any person not less than sixteen and not more than sixty years of age, who has been examined by a legally qualified physician and whose examination has been supervised and approved in accordance with the laws of the society: *provided*, that any member of such society who shall apply for a certificate providing for benefits on account of disability from sickness or injury, or death by accident only, need not be required to pass a medical examination therefor. Nothing herein contained shall prevent such society from accepting general or social members.

Proviso.

Certificate to specify the amount of death benefit, etc.

SECTION 8. A certificate issued by any such society shall specify the amount of death benefit provided thereby; and the certificate, the charter or articles of incorporation (or if a voluntary association, the articles of association), the constitution and laws of the society and the application for membership and medical examination, if any, signed by the applicant, and all amendments to each thereof, shall constitute the agreement between the society and the member; and copies of the same certified by the secretary of the society or corresponding officer, shall be received in evidence of the terms and conditions thereof. Any changes, additions or amendments to said charter, or articles of incorporation (or articles of association if a voluntary association), constitution or laws duly made or enacted subsequent to the issuance of a benefit certificate shall bind the member and his beneficiaries and shall govern and control the agreement in all respects in the same manner as if such changes, additions or amendments had been made prior to and were in force at the time of the application for membership. The foregoing provision of this section shall in effect be incorporated in every benefit certificate hereafter issued.

SECTION 9. SUBSECTION 1. Any society may create, maintain, invest, disburse and apply a death fund, any part or parts of which may be designated and set apart as an emergency, a surplus or other similar fund, and a disability fund in accordance with its laws. Such funds shall be held, invested and disbursed for the use and benefit of the society, and no member or beneficiary shall have or acquire individual rights therein, or become entitled to any part thereof, except as provided in section five of this act. The funds from which benefits shall be paid shall be derived and the fund from which the expenses of the society shall be defrayed may be derived from periodical or other payments by the members of the society and accretions of said funds: *provided*, that no society, domestic or foreign, shall hereafter be incorporated, and no society not now authorized to do business in this commonwealth shall be admitted to transact business in this commonwealth, which does not provide for stated periodical contributions sufficient to meet the mortuary obligations contracted, when valued upon the basis of the National Fraternal Congress Table of Mortality as adopted by the National Fraternal Congress, August twenty-three, eighteen hundred and ninety-nine, or any higher standard, with interest assumption not more than four per cent per annum, except societies providing benefits for disability or death from accident only.

Creation of death fund, etc.

Proviso.

SUBSECTION 2. Deferred payments or instalments of claims shall be considered as fixed liabilities on the happening of the contingency upon which such payments or instalments are thereafter to be paid. Such liability shall be the present value of such future payments or instalments upon the rate of interest and mortality assumed by the society for establishing contributions and for valuation; and every society shall at once, upon the filing of due proofs of the happening of the contingency, set apart a fund to meet such deferred payments, regardless of proposed future collections to meet any such payments, and hold such fund, with its interest accretions, in trust for the beneficiary entitled thereto.

Deferred payments to be considered liabilities in certain cases, etc.

No society shall provide for such deferred payments or instalments unless it possesses the full reserve specified in subsection two of section five of this act, or, if doing an accident business only, has assets sufficient to pay all its liabilities.

Deferred payments not to be provided, except, etc.

SECTION 10. Every society shall invest its funds only in securities permitted by the laws of this state for the invest-

Investment of funds.

Provisos.

ment of the capital of insurance companies: *provided*, that any foreign society permitted or seeking to do business in this state, which invests its funds in accordance with the laws of the state in which it is incorporated, shall be held to meet the requirements of this act for the investment of funds; and *provided*, that a part thereof not exceeding twenty per cent of its death fund may be invested in a building for use and occupation by the society as its home office.

Proportion of payments which may be used for expenses.

SECTION 11. Every provision of the laws of the society for payment by members of such society, in whatever form made, shall distinctly state the purposes of the same and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes or the net accretions of either or any of said funds shall be used for expenses.

Formation of corporation, etc.

SECTION 12. *a.* Seven or more persons, residents of this commonwealth, may form a corporation for the purposes set forth in this act. The agreement of association shall state that the subscribers thereto associate themselves with the intention of forming a corporation, the corporate name assumed, the purpose for which it is formed, and the city or town, which shall be in this commonwealth, in which it is established or situated. The name shall not so closely resemble the name of any corporation or insurance company already transacting business in this state as to mislead the public or lead to confusion. Any lawful social, intellectual, educational, charitable, benevolent, moral or religious advantages may be set forth among the purposes of the association.

Agreement of association to state amount of benefits to be paid, etc.

b. In case the corporation limits its membership to the members of a particular fraternal beneficiary corporation, fraternity or religious denomination, or to the employees of cities or towns or of the commonwealth or the federal government, or to the employees of a designated firm, business house or corporation, or of any department of a designated firm, business house or corporation, to persons of the same foreign extraction retaining common national interests and designation, or of the same occupation, the agreement of association shall state the maximum amount of the benefits to be paid, and designate to which one of the classes herein specified its membership is to be limited. A corporation so limiting its membership may be on the lodge system, and if not, shall be governed by a direct vote of its members without the lodge system; but a corporation not so limiting its membership shall be on the lodge system, with a representa-

tive form of government as defined in sections two and three of this act.

c. The first meeting of the associates shall be called by a notice signed by one or more of the subscribers to the agreement, stating the time, place and purpose of the meeting; a copy of which notice shall, seven days at least before the day appointed for the meeting, be given to each subscriber or left at his usual place of business or place of residence, or deposited in the post office, postpaid, addressed to him at his usual place of business or residence. Whoever gives such notice shall make an affidavit of his doings, which shall be recorded in the records of the corporation. At such first meeting, including any reasonable adjournment thereof, an organization shall be effected by the choice by ballot of a temporary clerk, who shall be sworn, and by the adoption of by-laws, and the election by ballot of directors, president, secretary and treasurer, or other officers corresponding thereto, with powers and duties similar to those of such officers, and such other officers as the by-laws may provide for; but at such election no person shall be eligible as a director or other officer who has not subscribed the agreement of association. The temporary clerk shall make and attest a record of the proceedings until the secretary has been chosen and sworn, including a record of such choice and qualification. The president, secretary and a majority of the directors, or other officers corresponding thereto, shall forthwith make, sign and swear to a certificate of organization in duplicate, setting forth a true copy of the agreement of association, with the names of the subscribers thereto, the date of the first meeting and of the successive adjournments thereof, if any; and said certificate of organization and duly certified copy of the by-laws, and copies of all proposed forms of benefit certificates, applications therefor and literature to be issued by the corporation, shall be filed with the insurance commissioner, who may require such further information as he deems necessary; and if the purposes and by-laws of the association conform to the requirements of this act and all its provisions have been complied with, the insurance commissioner shall so certify, and place on file the agreement of association, one of the duplicate certificates of organization, and a copy of the by-laws approved by him.

d. The insurance commissioner shall then furnish the incorporators of any such society, if on the lodge plan,

First meeting.

The insurance commissioner to

furnish a preliminary license, etc.

Liability of association, etc.

Advance payments to be held in trust, etc.

with a preliminary license, authorizing it to solicit members for the purpose of completing its organization. It shall collect from each applicant the amount of not more than one periodical benefit assessment or payment, in accordance with its table of rates as provided by its constitution and laws, and shall issue to every such applicant a receipt for the amount so collected. But no such association shall incur any liability other than for such advance payments, nor issue any benefit certificate, nor pay or allow, or offer or promise to pay or allow, to any person any death or disability benefit until actual *bona fide* applications for death or disability benefit certificates, as the case may be, have been secured from at least five hundred persons, and all such applicants for death benefits shall have been regularly examined by legally qualified practising physicians, and certificates of such examinations have been duly filed and approved by the chief medical examiner of the society; nor until there shall be established ten subordinate lodges or branches, in which said five hundred applicants have been initiated; nor until there has been submitted to the insurance commissioner, under oath of the president and secretary or corresponding officers of such society, a list of the said applicants, giving their names, addresses, date of examination, date of approval, date of initiation, name and number of the subordinate branch of which each applicant is a member, amount of benefits to be granted, rate of regular payments or assessments, which for societies offering death benefits shall not be lower for death benefits than those required by the National Fraternal Congress Table of Mortality, as adopted by the National Fraternal Congress, August twenty-three, eighteen hundred and ninety-nine, or any higher standard at the option of the society, with an interest assumption not higher than four per cent per annum; nor until it shall be shown to the insurance commissioner, by the sworn statement of the treasurer or corresponding officer of such society, that at least five hundred applicants for death benefits have each paid in cash one regular payment or assessment as herein provided, which payments in the aggregate shall amount to at least two thousand five hundred dollars, all of which shall be credited to the mortuary or disability fund on account of the applicants, and no part of which may be used for expenses. Said advance payments shall, during the period of organization, be held in trust for, and, if the organization

is not completed within one year as hereinafter provided, returned to, said applicants. The insurance commissioner may make such examination and require such further information as he deems advisable, and upon presentation of satisfactory evidence that the society has complied with all the provisions of this act, he shall issue to the society a certificate to that effect. Examination.

e. The society, if not to be on the lodge plan, shall file a certificate of organization, with the certificate of the insurance commissioner endorsed thereon; and if on the lodge plan, said endorsed certificate of organization, and in addition thereto the certificate required by division *d* of this section, in the office of the secretary of the commonwealth, who, upon the receipt of a fee of five dollars, shall cause the same, with the endorsements, to be recorded, and shall thereupon issue a certificate in the following form: — Certificate of organization to be filed in the office of the secretary of the commonwealth.

COMMONWEALTH OF MASSACHUSETTS.

Be it known that whereas [here the names of the subscribers to the agreement of association shall be inserted] have associated themselves with the intention of forming a corporation under the name of [here the name of the corporation shall be inserted], for the purpose [here the purpose declared in the agreement of association shall be inserted], and have complied with the provisions of the statutes of the commonwealth in such case made and provided, as appears from the certificate of the officers of said corporation, duly certified by the insurance commissioner and recorded in this office: now, therefore, I [here the name of the secretary shall be inserted], secretary of the commonwealth of Massachusetts, do hereby certify that said [here the names of the subscribers to the agreement of association shall be inserted], their associates and successors, are legally organized and established as, and are hereby made a corporation, under the name of [here the name of the corporation shall be inserted], with the powers, rights and privileges, and subject to the limitations, duties and restrictions which by law appertain thereto. Witness my official signature hereunto subscribed, and the seal of the commonwealth of Massachusetts hereunto affixed, this day of in the year .
[In these blanks the day, month and year of the execution of the certificate shall be inserted.] Form of certificate of incorporation.

The secretary shall sign the same and cause the seal of the commonwealth to be affixed thereto, and the certificate shall be conclusive evidence of the existence of the corporation at the date of the certificate. He shall also cause a record of the certificate to be made, and a certified copy of the record may be given in evidence, with like effect as the original certificate. To be signed by the secretary, etc.

Proceedings
to be void
in certain
cases.

f. If any association whose incorporation is provided for in this section fails to secure its certificate of incorporation and to begin business within one year after the date of receiving the certificate of the insurance commissioner, as provided in division *c* of this section, its agreement of association and all proceedings thereunder shall become null and void; and if any domestic corporation subject to this act ceases to do business for the period of one year, its charter or certificate of incorporation shall become null and void.

Constitution
and by-laws.

g. Subject to the provisions of this act, every such society incorporated under the provisions of this act shall have power to make a constitution and by-laws for the government of the society, admission of its members, management of its affairs, and the fixing and readjusting of the rates and contributions of its members from time to time, and to change, alter, add to or amend its constitution and by-laws, and such other powers as are necessary or incidental to carry into effect the objects and purposes of the society.

Purpose of
corporation
may be
changed, etc.

SECTION 13. A domestic fraternal benefit corporation may, with the approval of the insurance commissioner, change the purposes for which it was organized so as to permit it to transact any business authorized by this chapter. Upon such approval the presiding, financial and recording officers, and a majority of its other officers having the powers of directors, shall file in the office of the secretary of the commonwealth a certificate, with the approval of the insurance commissioner indorsed thereon, setting forth the change in the purposes of the corporation. The secretary of the commonwealth shall, upon receipt thereof and upon the receipt of five dollars, cause such certificate to be filed and recorded in his office. Such action shall operate to reincorporate the corporation hereunder, but reincorporation shall not be required. Every domestic fraternal beneficiary corporation may exercise all the rights, powers and privileges conferred by the provisions of this act, including the powers specified in subsection *g* of section twelve of this act, or of its certificate of incorporation or charter, not inconsistent herewith, and shall be subject to the provisions of this act, as if reincorporated hereunder.

Merger or
transfer.

SECTION 14. No domestic society shall merge with or accept the transfer of the membership or funds of any other society, unless such merger or transfer is evidenced by a contract in writing, setting out in full the terms and conditions of the merger or transfer, and filed with the

insurance commissioner, together with a sworn statement of the financial condition of each of said societies, by its president and secretary or corresponding officers, and a certificate of the said officers, duly verified under oath of said officers of each of the contracting societies, that the merger or transfer has been approved by a vote of two thirds of the members of the supreme legislative or governing body of each of said societies.

Upon the submission of said contract, financial statements and certificates, the insurance commissioner shall examine the same, and, if he shall find the said financial statements to be correct, and the said contract to be in conformity with the provisions of this section, and that the merger or transfer is just and equitable to the members of each of said societies, he shall approve the merger or transfer, issue his certificate to that effect, and thereupon the said contract of merger or transfer shall be of full force and effect: *provided*, that no such merger proposed by two societies not incorporated in the same state shall go into effect until it is approved by the insurance commissioner, or corresponding officer, of each state incorporating the societies involved in the proposed transaction, nor until their joint certificate of approval of the contract therefor is issued.

Examination
by the insur-
ance com-
missioner,
etc.

Proviso.

SECTION 15. Foreign societies now authorized to transact business in this commonwealth may continue business until the first day of July next succeeding the passage of this act, and the license of such societies may thereafter be renewed annually, but in all cases to terminate on the first day of the succeeding July; but the license shall continue in full force and effect until the new license is issued or specifically refused by the insurance commissioner. For every such license or renewal the society shall pay to the insurance commissioner twenty dollars. A duly certified copy or duplicate of the license shall be prima facie evidence that the licensee is a fraternal beneficiary society within the meaning of this act.

Certain for-
eign societies
may continue
business,
etc.

SECTION 16. No foreign society which is not now authorized to transact business in this state, shall transact any business herein without a license from the insurance commissioner. Any society, organized in another state and applying for a license to transact business in this commonwealth, shall file with the commissioner a duly certified copy of its charter or articles of association; a copy of its con-

Foreign so-
cieties not
now admitted
must be
licensed by
the insurance
commis-
sioner, etc.

Provisos.

stitution and laws, certified by its secretary or corresponding officer; a power of attorney to the commissioner, as hereinafter provided; a statement of its business, under oath of its president and secretary or corresponding officers, in the form required by the commissioner, duly verified by an examination made by the supervising insurance official of its home state or other state satisfactory to the insurance commissioner of this commonwealth; a copy of its certificate of membership; a certificate from the proper official of its home state, territory, district or country that the society is legally organized; and the society shall show that benefits are provided for by periodical or other payments by persons holding similar contracts, and that its assets are invested in accordance with the laws of the state, territory, district or country where it is organized, and that it has the qualifications required of domestic societies on the lodge system incorporated under this act; and shall furnish the insurance commissioner such other information as he may deem necessary for the proper exhibit of its business and plan of working. Upon compliance with these requirements, such foreign society shall be entitled to a license to transact business in this commonwealth until the first day of the succeeding July, and such license and the license of any foreign society now authorized to transact business in this commonwealth shall, upon compliance with the provisions of this act, be renewed annually, but in all cases to terminate on the first day of the succeeding July: *provided, however*, that the license shall continue in full force and effect until the new license be issued or specifically refused. For every such license or renewal the society shall pay twenty dollars. When the commissioner refuses to license any society or revokes its authority to do business in this commonwealth, he shall reduce his ruling, order or decision to writing and file the same in his office, and shall furnish a copy thereof, together with a statement of his reasons, to the officers of the society upon request, and the action of the commissioner shall be reviewable by proper proceedings in any court of competent jurisdiction within this commonwealth; *provided, however*, that nothing contained in this or the preceding section shall be taken or construed as preventing the society from continuing in good faith all contracts made in this commonwealth during the time when it was legally authorized to transact business herein.

SECTION 17. Every foreign society applying for admission to this commonwealth shall, by a duly executed instrument filed in the office of the insurance commissioner, constitute and appoint the insurance commissioner, or his successor, its true and lawful attorney, upon whom all lawful processes in any action or legal proceeding against it may be served, and therein shall agree that any lawful process against it, which may be served upon its said attorney, shall be of the same force and validity as if served on the society, and that the authority thereof shall continue in force irrevocable so long as any liability of the company remains outstanding in this commonwealth. The service of the process shall be made by leaving the same, in duplicate, in the hands or office of the commissioner. One of the duplicates of such instrument, certified by the commissioner as having been served upon him, shall be deemed sufficient evidence thereof, and service upon the said attorney shall be deemed service upon the principal.

Appointment
of attorney.

When legal process is served upon the commissioner as attorney for a foreign society, he shall forthwith forward one of the duplicate copies of process served on him to its secretary, or corresponding officer, or to such other person as may have been previously designated by the society by written notice filed in the office of the commissioner. As a condition of valid and effective service and of the duty of the commissioner in the premises, the plaintiff in every such process shall pay to the commissioner, at the time of service thereof, the sum of two dollars, which the said plaintiff shall recover as taxable costs if he prevails in the suit. The commissioner shall keep a record of all such processes, which shall show the day and hour of service. Legal process shall not be served upon any such society except in the manner and upon the attorney provided for herein, and no such service shall be valid and binding upon any society when it is required thereunder to file its answer, pleading or defense in less than thirty days after the date of such service.

Service of
legal process,
etc.

SECTION 18. Any domestic society may provide that the meetings of its legislative or governing body may be held in any state, district, province or territory wherein such society has subordinate branches, and all business transacted at such meetings shall be as valid in all respects as if such meetings were held in this commonwealth. But its principal office shall be situated in this commonwealth.

Where meet-
ings may be
held.

Provisions of
constitution
and by-laws.

SECTION 19. The constitution and by-laws of the society shall provide that no subordinate body, nor any of its subordinate officers or members shall have power or authority to waive any of the provisions of its laws and constitution, and there shall be otherwise no waiver excepting as the constitution and by-laws of the supreme body shall specifically permit, and the constitution and laws shall be binding on the society, on every member thereof, and on all beneficiaries of members.

Money, etc.,
not liable to
attachment,
etc.

SECTION 20. No money or other benefit, charity or relief or aid to be paid, provided or rendered by any such society shall be liable to attachment, garnishment, trustee or other process, or be seized, taken, appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary, or of any other person who may have a right thereunder, either before or after payment.

Copies of
amendments
to constitution,
etc., to
be filed, etc.

SECTION 21. The recording officer of every society transacting business under this act shall file with the insurance commissioner a duly certified copy of all amendments of or additions to its constitution and laws, in the English language, within ninety days after the enactment of the same. Printed copies of the constitution and laws, as amended, changed or added to, certified by the secretary or corresponding officer of the society, shall be prima facie evidence of the same and of the legal adoption thereof.

Annual
statement.

SECTION 22. *a.* Every society transacting business in this state shall annually, on or before the first day of March, file with the insurance commissioner, in such form as he may require, a statement under oath of its president, secretary, treasurer and chief accountant or corresponding officers, of its condition and standing on the thirty-first day of December next preceding, and of its transactions for the year ending on that date; and also shall furnish such other information as the commissioner may deem necessary to a proper exhibit of its business and plan of working. The commissioner may at other times require any further statement relating to such society which he may deem necessary.

Report to the
insurance
commissioner,
etc.

b. In addition to the annual report herein required, every society on the lodge system and authorized to pay benefits in this commonwealth upon the death of its members, except those societies which do not pay benefits for death from natural causes, shall annually report to the insurance commissioner a valuation of its certificates pro-

viding for death benefits in force on December thirty-first last preceding: *provided*, that the first report of valuation shall be made as of December thirty-one, nineteen hundred and twelve. The said report of valuation shall show, as contingent liabilities, the present mid-year value of the death benefits promised in the outstanding contracts of the society, and, as contingent assets, the present mid-year value of the future net mortuary contributions provided in the constitution and laws as the same are in practice actually collected, not including therein any value for the right to make extra assessments. Proviso.

At the option of any such society, in lieu of the above, the valuation may show the net mid-year value of the outstanding contracts, and said net value, when computed in case of monthly contributions, may be the mean of the terminal values for the end of the preceding and of the current insurance years, the right to make extra assessments being excluded from consideration. The valuation shall be certified by a competent accountant or actuary, or at the request and expense of the society, verified by the actuary of the department of insurance of the home state of the society, and shall be filed with the insurance commissioner on or before the thirtieth day of April after the submission of the last preceding annual report. The legal minimum standard of valuation shall be the National Fraternal Congress Table of Mortality, as adopted by the National Fraternal Congress, August twenty-three, eighteen hundred and ninety-nine; or, at the option of the society, any higher mortality table; or, at its option, it may use a mortality table based on the society's own experience of at least twenty years, and covering not less than one hundred thousand lives, with interest assumption not higher than four per cent per annum, whichever mortality table is adopted. Every such valuation report shall set forth clearly and fully the mortality and interest basis and the method of valuation. Any society providing for disability or accidental death benefits, or both, shall keep the net contributions for such benefits in a fund separate and apart from all other benefit and from expense funds. The valuation herein provided for shall not be considered or regarded in any action that may arise as a test of the financial solvency of the society, but each society shall be held to be legally solvent so long as the funds in its possession are equal to or in excess of its liabilities, not including in the term "liabilities", except Valuation to show certain facts, etc.

Certification by accountant, etc.

as provided in section twenty-three, any charge for reserve computed as in this section required.

Report to be made to the governing body, etc.

Beginning with the year nineteen hundred and fourteen, a report of such valuation and an explanation of the facts concerning the condition of the society thereby disclosed, shall be sent to each member of the governing body of the society not later than June first of each year; or, in lieu thereof, such report of valuation and showing of the society's condition as thereby disclosed may be published in the society's official paper, and the issue containing the same shall be mailed to each beneficiary member of the society.

Additional contributions may be collected in certain cases, etc.

If the stated periodical contributions of the members of such society are insufficient to pay all reported death and disability claims in full, and to provide for the creation and maintenance of the funds required by its laws, or by the provisions of this act, additional contributions or additional, increased or extra rates of contribution shall be collected from its members to meet the deficiency, and the laws of the society shall so provide, and such laws may provide that upon the written application or consent of the member his certificate may be charged with its proportion of any deficiency disclosed by valuation, with interest not exceeding five per cent per annum.

Deficiency, etc.

SECTION 23. If the valuation of the certificates, as heretofore provided, on December thirty-first, nineteen hundred and seventeen, shall show that the present value of future net contributions, together with the admitted assets, is less than ninety per cent of the present value of the promised benefits and accrued liabilities, the society shall be required thereafter to reduce such deficiency by not less than five per cent of the total deficiency on said December thirty-first, nineteen hundred and seventeen; and thereafter shall show at each succeeding triennial valuation that the total deficiency of said December thirty-first, nineteen hundred and seventeen, has been reduced at least an additional five per cent. If at any succeeding triennial valuation, the society does not show such percentage of improvement, the commissioner shall direct that it thereafter comply with the requirements herein specified. If the next succeeding triennial valuation after the receipt of such notice shall show that the society has not made the percentage of improvement required herein, the commissioner may, in the absence of good cause shown for such failure, institute proceedings for the dissolution of the society, in accordance

with the provisions of section twenty-four of this act, or, in the case of a foreign society, he may cancel its license to transact business in this state.

Any such society, shown by any triennial valuation, subsequent to December thirty-first, nineteen hundred and seventeen, not to have made the improvement herein required shall, within one year thereafter, complete the improvement, or thereafter, as to all new members admitted, be subject, so far as stated rates of contribution are concerned, to the provisions of section twelve of this act, applicable to the organization of new societies; and the contributions and funds of such new members shall be kept separate and apart from the other funds of the society until the required improvement shall be shown by valuation. If such required improvement is not shown by the succeeding triennial valuation, then the said new members may be placed in a separate class and their certificates valued as an independent society in respect of contributions and funds: *provided*, that nothing in this section or in division *b* of section twenty-two shall be construed as requiring a valuation of any society now authorized in this commonwealth which regularly pays benefits by post mortem assessments of the same amount levied upon each member, or which confines its membership to one religious denomination.

Proceedings
in cases of
deficiency,
etc.

Proviso.

SECTION 24. The insurance commissioner, or any person whom he may appoint, shall have power to inspect and investigate the affairs of any domestic society. He may employ assistants for the purpose of such investigation, and he, or any person whom he may appoint, shall have free access to all the books, papers and documents that relate to the business of the society, and may summon and qualify as witnesses under oath and examine its officers, agents and employees, and other persons, in relation to the affairs, transactions and condition of the society.

Inspection
and investi-
gation, etc.

Whenever after examination the insurance commissioner is satisfied that any domestic society has failed to comply with any provisions of this act, or is exceeding its powers, or is not carrying out its contracts in good faith, or is transacting business fraudulently, or whenever any domestic society, after the existence of one year or more, shall have a membership of less than four hundred, or shall determine to discontinue business, the insurance commissioner may present the facts relating thereto to the attorney-general, who shall, if he deem the circumstances warrant, begin a

Certain facts
to be pre-
sented to the
attorney-
general, etc.

quo warranto proceeding in a court of competent jurisdiction; and the court shall thereupon notify the officers of the society of a hearing, and if it shall then appear that the society should be closed, the society shall be enjoined from carrying on any further business, and some person shall be appointed receiver of the society, and shall proceed at once to take possession of the books, papers, moneys and other assets of the society, and shall forthwith, under the direction of the court, proceed to close the affairs of the society and to distribute its funds to those entitled thereto.

Notice to be served by the attorney-general.

No such proceeding shall be begun by the attorney-general against any such society until after notice has duly been served on the chief executive officers of the society by the insurance commissioner, and a reasonable opportunity given to it, on a date to be named in the notice, to show cause to the commissioner why such proceedings should not be begun.

Applications for injunction to be made by the attorney-general.

SECTION 25. No application for injunction against or proceedings for the dissolution of or the appointment of a receiver for any such domestic society or branch thereof shall be entertained by any court in this state unless the same is made by the attorney-general.

Examination of foreign societies.

SECTION 26. The insurance commissioner, or any person whom he may appoint, may examine any foreign society transacting, or applying for admission to transact, business in this commonwealth. The commissioner may employ assistants, and he, or any person whom he may appoint, shall have free access to all the books, papers and documents that relate to the business of the society, and may summon and qualify as witnesses under oath and examine its officers, agents and employees, and other persons, in relation to the affairs, transactions and condition of the society. He may, in his discretion, accept in lieu of such examination the examination of the insurance department of the state, territory, district or country where the society is organized. The actual expenses of the examiners who make any such examination shall be paid by the society, upon a statement furnished by the insurance commissioner.

Suspension, etc.

If any such society or its officers refuse to submit to such examination, or to comply with the provisions of this section relative thereto, the authority of such society to write new business in this state shall be suspended, or its license refused, until satisfactory evidence is furnished to the commissioner relating to the condition and affairs of the society,

and during such suspension the society shall not write new business in this commonwealth.

SECTION 27. Pending, during or after an examination or investigation of any such society, either domestic or foreign, the insurance commissioner shall make public no financial statement, report or finding affecting the status, standing or rights of the society, until a copy thereof shall have been served upon the society at its home office, and the society shall have been afforded a reasonable opportunity to be heard regarding such financial statement, report or finding; but the insurance commissioner may use such facts as may come into his possession for the purpose of securing an injunction as provided in section twenty-five of this act.

Statement affecting the status of a society not to be made until, etc.

SECTION 28. When the insurance commissioner, on investigation, is satisfied that any foreign society transacting business under this act has exceeded its powers, or has failed to comply with any provision of this act, or is conducting business fraudulently, or is not carrying out its contracts in good faith, he shall notify the society of his findings, and state in writing the grounds of his dissatisfaction and, after reasonable notice, shall require the society, on a date named, to show cause why its license should not be revoked. If, on the date named in said notice, such objections have not been removed to the satisfaction of the commissioner, or the society does not present good and sufficient reasons why its authority to transact business in this commonwealth should not at that time be revoked, he may revoke the authority of the society to continue business in this commonwealth. All decisions and findings of the commissioner made under the provisions of this section may be reviewed by proper proceedings in any court of competent jurisdiction, as provided in section sixteen of this act.

Duties of the insurance commissioner when a society has not fully complied with law, etc.

SECTION 29. *a.* Domestic corporations as described in section one of this act, governed by direct vote of their members and limiting their membership as provided in division *b* of section twelve, and domestic corporations limiting their membership to the permanent employees of towns or cities, the commonwealth or the federal government and not paying death benefits but paying annuities or gratuities contingent upon disability or long service, may continue to transact business in this commonwealth. Such corporations and like societies incorporated under the provisions of this act shall be governed by sections four, six, eleven, twelve so far as the same are applicable, thirteen,

Domestic corporations, etc.

Domestic
corporations,
etc.

twenty, division *a* of section twenty-two, and sections twenty-four, twenty-five, twenty-seven, thirty, thirty-one, thirty-two, thirty-three and thirty-four of this act, and in addition by the following provisions: The officers of such limited corporations shall be elected by ballot by the members as often as once in two years. Proxies shall not be used in voting. No person under sixteen years of age shall be admitted to membership. The recording officer of such a corporation shall file with the insurance commissioner amendments to its by-laws, in English, within thirty days after their adoption. Such equitable assessments, either periodical or otherwise, shall be made upon the members as shall be necessary to carry out the purposes of the organization. Paid agents shall not be employed in soliciting or procuring members, except that corporations which limit their certificate holders to a particular fraternity may pay members for securing new members, and any corporation may pay local collectors; but any such corporation hereafter formed, unless it confines its membership to that of a particular fraternity in any one county or to a lodge of some fraternity, shall not contract to pay benefits to its members until it shall satisfy the insurance commissioner that it has received at least five hundred bona fide applications for membership. With the approval of the insurance commissioner in writing, and the consent of each corporation expressed by vote at a duly called meeting, any such corporation may transfer its membership and funds to any authorized similar corporation.

Regulations
concerning
societies
which are
conducted for
other than
business pur-
poses, etc.

b. A domestic fraternal beneficiary society, as defined in section one of this act, whether incorporated or unincorporated, which limits its membership as provided in division *b* of section twelve; or a secret order or fraternity, which order or fraternity operates on the lodge system with a representative form of government and grants insurance benefits as incidental only to the work of the order or fraternity; or a purely charitable association or corporation existing on the twenty-third day of May, nineteen hundred and one, any one of which pays a death or funeral benefit limited to not more than two hundred dollars, disability benefits not exceeding ten dollars per week, or any or all of such benefits, and which is not conducted as a business enterprise or for profit, and a subordinate lodge of a secret fraternity or order as defined in this section which is not conducted as a business enterprise or for profit and which pays death benefits to families or dependents of de-

ceased members as fixed by its by-laws, but not more than two hundred dollars if the lodge membership is two hundred or less, and if over two hundred not in excess of the amount of an assessment of one dollar upon each member thereof in good standing at the time of the death of the member, and a society which confines its membership to members of organizations as defined in section eighteen of chapter one hundred and six of the Revised Laws, and which embraces therein only persons of the same occupation, may transact business in this commonwealth without conforming to the provisions of this act or other acts relating to insurance companies, except division *b* of this section; but section twenty and division *f* of section twelve also shall be applicable to such societies, if they are incorporated.

The recording officer of any organization claiming exemption under this section shall file a certified copy of its by-laws with the insurance commissioner, whenever he shall so require in writing. Failure thus to file the same shall subject the said recording officer and organization to a fine of not more than two hundred dollars.

Certain organizations to file copy of by-laws.

Any fraternal organization transacting business within the limitations of division *b* of this section may, in the event of the death of the wife of a member, pay to said member a part of the amount payable at said member's death: *provided*, that the amount so paid shall be deducted from the amount payable at the member's death, and that the total amount so paid, both at the death of the member and of the member's wife, shall not exceed the amount allowed by division *b* of this section to be paid at the death of a member. Any such organization may also furnish physicians and nurses for its members.

Payment in case of death of wife of member.

Proviso.

Any such limited association may be incorporated, and limited fraternal beneficiary corporations may be formed, in the manner prescribed in and subject to section twelve of this act, except that division *d* of said section shall not apply thereto.

Not to apply in certain cases.

SECTION 30. Every fraternal beneficiary society organized or licensed under this act shall be exempt from all state, county, district, municipal and school taxes, other than taxes on real estate and office equipment.

Exemption from taxation.

SECTION 31. Any person, officer, member or examining physician of any society authorized to do business under this act who shall knowingly or wilfully make any false or fraudulent statement or representation in or with refer-

Penalties.

Penalties.

ence to any application for membership, or for the purpose of obtaining money from or benefit in any society transacting business under this act, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than one year, or both, in the discretion of the court; and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such society for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall wilfully make any false statement in any verified report or declaration under oath required or authorized by this act, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of this state in relation to the crime of perjury.

Same.

Any person who shall solicit membership for, or in any manner assist in procuring membership in, any fraternal beneficiary society not licensed to do business in this state, or who shall solicit membership for, or in any manner assist in procuring membership in, any such society not authorized as herein provided to do business as herein defined in this state, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Same.

Any society, or any officer, agent or employee thereof, neglecting or refusing to comply with, or violating any provision of this act, the penalty for which neglect, refusal or violation is not specified in this section, shall be punished by a fine not exceeding two hundred dollars.

Provisions
of act not to
be construed
as new
enactments,
etc.

SECTION 32. The provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws, and not as new enactments; and the repeal by this act of any provision of law shall not affect any act done, liability incurred or right accrued and established, or any suit or prosecution, civil or criminal, pending or to be instituted, to enforce any right or penalty, or to punish any offence under the authority of the laws repealed; and any person who at the time when said repeal takes effect holds office under any of the laws repealed shall continue to hold such office according to the tenure thereof, unless such office is abolished or a different provision is made herein.

SECTION 33. All acts and parts of acts inconsistent with this act are hereby repealed, except as provided in the preceding section, and except section eighteen of chapter one hundred and six of the Revised Laws, chapter four hundred and sixty-three of the acts of the year nineteen hundred and eight, chapter five hundred and fifty-nine of the acts of the year nineteen hundred and ten, and all special acts exempting any society or societies from the provisions of chapter one hundred and nineteen of the Revised Laws. Repeal.

SECTION 34. This act shall take effect on the first day of January, nineteen hundred and twelve. Time of taking effect.

(The foregoing was laid before the Governor on the twenty-eighth day of June, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

AN ACT RELATIVE TO EMPLOYMENT IN THE NIGHT MESSENGER SERVICE. Chap. 629

Be it enacted, etc., as follows:

SECTION 1. Except for the delivery of messages, directly connected with the business of conducting or publishing a newspaper, to a newspaper office or directly between newspaper offices, no person under the age of twenty-one years shall be employed or permitted to work as a messenger for a telegraph, telephone or messenger company in the distribution, transmission or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day. Employment in the night-messenger service.

SECTION 2. Whoever, in violation of the provisions of section one of this act, employs a person under the age of twenty-one years or whoever procures or, having under his control any such person, permits him to be so employed shall for each offence be punished by a fine of not less than fifty nor more than three hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment. Penalty.

SECTION 3. The district police shall enforce the provisions of this act. Enforcement of law.

(The foregoing was laid before the Governor on the twenty-eighth day of June, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap.630 AN ACT MAKING APPROPRIATIONS FOR THE SUPPRESSION OF THE GYPSY AND BROWN TAIL MOTHS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, to wit: —

Gypsy and brown tail moths.

For the suppression of the gypsy and brown tail moths in the year nineteen hundred and eleven, and for expenses incidental thereto, a sum not exceeding one hundred and fifty thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Experimenting with parasites.

For experimenting with parasites or natural enemies for destroying the said moths, and for expenses incident thereto, a sum not exceeding fifteen thousand dollars, in addition to any unexpended balance of a former appropriation for this purpose.

SECTION 2. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the twenty-eighth day of June, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap.631 AN ACT TO PROVIDE FOR THE RECONSTRUCTION OF FOX HILL BRIDGE OVER SAUGUS RIVER BETWEEN THE CITY OF LYNN AND THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

Reconstruction of Fox Hill bridge.

SECTION 1. Whereas public necessity and convenience require the reconstruction of the joint railway and highway bridge, commonly known as Fox Hill bridge, over the tide water known as Saugus river, between the city of Lynn and the town of Saugus, the county commissioners of the county of Essex, subject to the provisions of chapter ninety-six of the Revised Laws and acts in amendment thereof and in addition thereto and of all other general laws which may be applicable, are hereby authorized and directed to reconstruct the said bridge and approaches thereto with a draw not less than forty feet wide in the open, the same to be operated by electric power.

County of Essex to pay cost in the

SECTION 2. The expense incurred under this act shall be paid in the first instance by the county of Essex and

shall not exceed one hundred and fifty thousand dollars. Upon the completion of the said bridge and approaches, the said county commissioners shall file in the office of the clerk of courts for the county of Essex a detailed statement, certified under their hands, of the actual cost of reconstructing said bridge and approaches, and within three months from the filing of such statement they shall, after such notice as they may deem proper and a hearing, apportion and assess upon the city of Lynn twenty-five per cent, and upon the Boston and Northern Street Railway Company thirty-five per cent of the said cost of reconstructing the bridge and approaches.

first instance,
etc.

SECTION 3. Said commissioners shall file in the office of the clerk of the courts of said county a report of the apportionment, and the said clerk shall forthwith transmit a true and attested copy thereof to the city of Lynn and to the president of the Boston and Northern Street Railway Company, and the city shall pay its proportion of said expense determined as aforesaid into the treasury of the county of Essex, in such manner and in such time as the said commissioners may direct, and if the city of Lynn shall neglect or refuse to pay its proportion as aforesaid, the said commissioners shall, after notice to the city, issue a warrant against the city for its proportion as aforesaid, with interest and the cost of the warrant, and the same shall be collected and paid into the treasury of the county to be applied in payment of the expense aforesaid.

Report of
apportion-
ment of
expense to
be filed with
the clerk of
the courts,
etc.

SECTION 4. If the Boston and Northern Street Railway Company shall pay into the treasury of the said county its proportion determined as aforesaid, and shall enter into an agreement with the county commissioners to keep the roadway on said bridge, within the limits set aside by said commissioners for railway purposes in repair at its own expense, the said company, its successors and assigns, shall thereupon have and are hereby granted the title in fee simple, to that part of said bridge so set aside for railway purposes, which part shall not be less in width than twenty-six and one half feet. The amount of any assessment paid by said company under this section shall be deemed, in all proceedings thereafter, as a part of the value of its property for street railway purposes; and the company may issue stock or bonds to meet the expenses incurred under this act to an amount approved by the board of railroad commissioners as reasonably necessary to provide for the payment thereof.

Title to part
of the bridge
set aside for
railway pur-
poses to vest
in the Boston
and Northern
Street
Railway
Company.

The city of
Lynn may
issue bonds,
etc.

SECTION 5. For the foregoing purposes the city of Lynn is hereby authorized to issue serial bonds bearing interest, payable semi-annually, at a rate not exceeding four per cent per annum, and payable within such periods, not exceeding twenty years, from the date of issue, as the city council of the city may determine. But the said bonds shall not be reckoned in determining the statutory limit of indebtedness of the city. The county commissioners of the said county are hereby authorized and directed to borrow on the credit of the county such sums of money as may from time to time be required for the cost and expenses aforesaid. All moneys so borrowed shall be deposited in the county treasury and the treasurer of the county shall pay out the same as ordered by the county commissioners, and shall keep a separate and accurate account of all sums so borrowed and expended, including interest.

Cost of
operation of
bridge, etc.

SECTION 6. The cost of the operation of the said bridge and approaches after the completion of the same, including repairs and painting, excepting that part of the roadway set aside for railway purposes in accordance with section two of this act, shall be paid in the first instance by the county of Essex, and shall be apportioned and assessed upon the said city and said railway company and upon the county of Essex in the proportion of thirty-three and one third per cent each. The cost of maintenance of the roadway upon said bridge, except as otherwise provided by this act, shall be apportioned and assessed upon the city of Lynn and the county of Essex, fifty per cent upon each. The county commissioners of the said county shall have full control of the bridge, and shall annually in the month of November submit to the city of Lynn and to the said railway company a true statement of the expense of its maintenance and operation; and within thirty days thereafter the said city and the said railway company shall pay into the treasury of the county their proportions, determined as aforesaid; and if the city or the railway company shall neglect or refuse to pay the same, the said commissioners shall, after a notice to the city or the company, issue a warrant, and the same with interest and costs of notice and warrant shall be collected and paid into the treasury of the county to be applied in payment of the expenses as aforesaid.

Taking of
lands,
rights, etc.

SECTION 7. The said county commissioners are hereby authorized to take or purchase the lands, rights or easements which may be required to carry out the purposes of this

act; but in order to acquire land or rights in land, otherwise than by purchase, they shall first record in the registry of deeds for the northern district of the county of Essex a statement containing a description of the lands or rights taken or affected, and shall file a plan of the same in said registry. They shall estimate the damages to property, if any, sustained by any person by such taking of land, rights or easements, or by the laying out as aforesaid, and any person aggrieved thereby may proceed in the same manner as in the case of highways, within one year after the filing of said statement; but in no event shall interest be recovered against the county for more than four per cent per annum.

SECTION 8. In the construction of the said bridge all reasonable opportunity shall be given to the metropolitan water board to maintain and operate its pipe line, now supported in part by the pile structure, and such reasonable modifications of the plans as may be necessary shall be made by the county commissioners to permit of the proper permanent relocation of the pipe either upon or adjacent to the finished structure: *provided*, that all added expense due to the protection and relocation of said water pipe shall be paid by the metropolitan water board.

The metro-
politan water
board may
operate its
pipe line, etc.

Proviso.

SECTION 9. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 10. This act shall take effect upon its passage.

Approved July 7, 1911.

AN ACT TO AUTHORIZE THE COMMISSIONER OF WEIGHTS
AND MEASURES TO APPOINT AN ADDITIONAL INSPECTOR.

Chap. 632

Be it enacted, etc., as follows :

SECTION 1. Section two of chapter five hundred and thirty-four of the acts of the year nineteen hundred and seven, as amended by chapter four hundred and sixty-five of the acts of the year nineteen hundred and ten, is hereby further amended by striking out the word "five", in the second line, and inserting in place thereof the word: — six, — so as to read as follows: — *Section 2.* The said commissioner may appoint six inspectors. The annual salary of the commissioner shall be two thousand dollars, and of the inspectors twelve hundred dollars each, and they shall give bonds for the faithful performance of their duties. The commissioner shall be allowed for clerical services, travel and contingent office expenses for himself

1907, 534,
§ 2, etc.,
amended.

Inspectors of
weights and
measures,
appointment,
etc.

and his inspectors such sum as may be necessary, to be paid out of the treasury of the commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved July 7, 1911.

Chap.633 AN ACT RELATIVE TO THE INCREASE OF THE ENLISTED STRENGTH OF COMPANIES OF THE COAST ARTILLERY CORPS IN THE MILITIA.

Be it enacted, etc., as follows:

1908, 604,
§ 20, etc.,
amended.

SECTION 1. Section twenty of chapter six hundred and four of the acts of the year nineteen hundred and eight, as amended by chapter two hundred and twenty-eight of the acts of the year nineteen hundred and ten, is hereby further amended by adding the following paragraph immediately after the table showing the organization of a coast artillery corps company:—

Enlisted
strength of
a coast
artillery com-
pany of the
militia.

The commander-in-chief shall have power to increase or decrease the enlisted strength of any coast artillery company whenever in his judgment the best interests of the service demand such change, provided that no company is decreased below the minimum or increased beyond the maximum prescribed for such a company by the war department.

SECTION 2. This act shall take effect upon its passage.

Approved July 7, 1911.

Chap.634 AN ACT TO AUTHORIZE THE COUNTIES OF THE COMMONWEALTH TO ESTABLISH RETIREMENT SYSTEMS FOR THEIR EMPLOYEES.

Be it enacted, etc., as follows:

Certain
terms and
words
defined.

SECTION 1. In this act, unless the context otherwise requires:—

(a) The words “retirement system” mean the arrangements provided in this act for the payment of annuities and pensions.

(b) The word “annuities” means the payments for life derived from money contributed by the employees.

(c) The word “employee” means any person on the payroll of the county who regularly gives his whole time to the service.

(d) The word “pensions” means the payments for life derived from money contributed by the county.

(e) The words "regular interest" mean interest at three per cent per annum compounded semi-annually on the last days of December and June, and reckoned for full three and six months periods only.

(f) The words "continuous service" mean uninterrupted employment, with these exceptions: a lay-off on account of illness or reduction of force; and a leave of absence, suspension or dismissal followed by reinstatement within one year, shall not be considered as breaking the continuity of service.

ESTABLISHMENT OF RETIREMENT SYSTEM.

SECTION 2. Any county in this commonwealth may establish a retirement system for its employees by accepting the provisions of this act in the following manner: Upon the initiative of the county commissioners, the question of acceptance shall be submitted to the voters of the county at the next state election. The vote in each case shall be in answer to the question, to be placed upon the ballot: "Shall an act passed by the general court in the year nineteen hundred and eleven, entitled 'An Act authorizing the counties of the commonwealth to establish retirement systems for their employees', be accepted?" If a majority of the voters voting thereon at such election shall vote in the affirmative, this act shall take effect in that county, as hereinafter provided.

Counties may establish a retirement system.

A copy of the vote, sworn to by the county commissioners or the officers corresponding thereto, shall, within thirty days after the date of the vote, be filed in the office of the insurance commissioner. The latter shall forthwith issue a certificate that the retirement system is declared established in that county, to become operative on the first day of January or the first day of July following the expiration of three months after the date of the certificate.

Copy of vote establishing system to be filed with the insurance commissioner.

THE RETIREMENT ASSOCIATION.

SECTION 3. Whenever a county shall have voted to establish a retirement system under the provisions of section two, a retirement association shall be organized as follows: —

Organization.

(1) All employees of the county, on the date when the retirement system is declared established by the issue of the certificate, as provided in section two, may become members of the association. On the expiration of thirty

Organiza-
tion.

days after said date every such employee shall be considered to have elected to become, and shall thereby become, a member, unless he shall have, within that period, sent notice in writing to the local election commissioners or the officers corresponding thereto that he does not wish to join the association.

(2) All employees who enter the service of the county after the date when the retirement system is declared established by the issue of the certificate, as provided in section two, except persons who have already passed the age of fifty-five years, shall upon completing thirty days of service become thereby members of the association. Persons over fifty-five years of age who enter the service of the county after the establishment of the retirement system shall not be allowed to become members of the association, and no such employee shall remain in the service of the county after reaching the age of seventy years.

(3) No officer elected by popular vote may become a member of the association, nor any employee who is or will be entitled to a pension from the county for any reason other than membership in the association.

(4) Any member who reaches the age of sixty years, and has been in the continuous service of the county for a period of fifteen years immediately preceding, may retire, or may be retired by the board of retirement upon recommendation of the head of the department in which he is employed, and any member who reaches the age of seventy shall so retire.

(5) Any member who has completed a period of thirty-five years of continuous service may retire or may be retired upon recommendation of the head of the department in which he is employed, if such action be deemed advisable for the good of the service.

THE BOARD OF RETIREMENT.

Board of re-
tirement,
how consti-
tuted.

SECTION 4. (1) The management of the retirement system is hereby vested in the board of retirement, consisting of three members, one of whom shall be the county treasurer; the second member shall be a member of the association elected by the latter within sixty days after the date when the retirement system is declared established by the issue of the certificate provided for by section two, in a manner to be determined by the county commissioners;

the third member shall be chosen by the other two members. In case of the failure of the latter to choose the third member within thirty days after the election of the second member, the chairman of the county commissioners shall appoint such third member. The first person so chosen or appointed as third member shall serve for two years; otherwise and thereafter the term of office of the two elected members shall be three years. On a vacancy occurring in the board for any cause or on the expiration of the term of office of any member, a successor of the person whose place has become vacant or whose term has expired shall be chosen in the same manner as was his predecessor.

(2) The members of the board of retirement shall serve without compensation; but they shall be reimbursed out of the contingent fund for any expense or loss of salary or wages which they may incur through service on the board. All claims for reimbursement on this account shall be subject to the approval of the county commissioners.

(3) The county treasurer shall have charge and control of the funds of the system, subject to the approval of the board of retirement, and shall invest and reinvest the same, and may from time to time sell any securities held by him and invest and reinvest the proceeds, and any and all unappropriated income of said funds: *provided, however*, that all funds received by him not required for current disbursements shall be invested in accordance with the provisions of the laws of this commonwealth relating to the investment of the funds of savings banks. He shall in the investment of the funds give preference to the securities of the county. He may, whenever he sells such securities, deliver the same upon receiving the proceeds thereof, and may execute any and all documents necessary to transfer the title thereto.

County treasurer to have control of the funds, etc.

Proviso.

(4) The board of retirement shall have power to make by-laws and regulations not inconsistent with the provisions of this act, and to employ such clerical or other assistance as may be necessary for the fulfillment of its purposes, subject to the approval of the county commissioners.

By-laws, etc.

(5) The board shall determine the percentage of wages that employees shall contribute to the pension fund, subject to the minimum and maximum percentages, and shall furthermore, have the power to classify employees for the purposes of the retirement system, and to establish different rates of contribution for different classes within the prescribed limits.

Percentage of contribution.

Statement of
financial
condition to
be filed.

(6) The county treasurer shall, in January of each year, unless for cause the insurance commissioner shall have granted an extension of time, file in the office of the insurance commissioner a sworn statement, which shall exhibit the financial condition of the retirement system on the thirty-first day of the preceding December, and its financial transactions for the year ending with said day. Such statement shall be in the form approved by the insurance commissioner, and shall show, among other things, the liability of the retirement system on account of the following items: —

A. Deposit Reserve.

Deposit
reserve.

The total of the deposits of the members actually received by the treasurer or due from the county under section five, (2) *A*, and held subject to withdrawal by such members.

B. Interest Reserve.

Interest
reserve.

Regular interest on such deposits.

C. Annuity Reserve.

Annuity
reserve.

The net value of the annuities entered upon under section six, (2) *B*, on the basis of the mortality tables and interest rates provided for in this act.

D. Expense and Contingent Fund.

Expense and
contingent
fund.

(a) The unexpended portion of the amounts received under section five, (1).

(b) The contingent fund.

E. Gifts and Bequests.

Gifts and
bequests.

The amounts received as gifts or bequests and held under the terms of such gifts or bequests.

F. Other Liabilities.

Other
liabilities.

All other liabilities.

G. Surplus.

Surplus.

(a) *Annuity Surplus.* — The undistributed surplus arising from annuity deposits.

(b) *Other Surplus.* — All unassigned funds.

CREATION OF THE RETIREMENT FUND.

SECTION 5. The funds of the retirement system shall be raised as follows: — Creation of retirement fund.

(1) *Expense and Contingent Fund.*

The county shall appropriate annually such an amount as may be necessary to defray the whole expense of administration, according to estimates prepared by the treasurer. Expense and contingent fund.

(2) *Annuity and Pension Fund.*

A. Deposits by Members. — Each member shall deposit in this fund from his wages or salary, as often as the same is payable, not less than one per cent and not more than five per cent of the amount of his wages or salary as determined by the board of retirement under the provisions of section four, (5): *provided, however*, that employees who receive more than thirty dollars weekly in wages or salary shall not be assessed for contributions to this fund on the excess above that amount. Annuity and pension fund.

B. Contributions by the County. — (a) Each month the county shall contribute such amount as the board of retirement may determine to be necessary to pay current pensions for subsequent service, under section six, (2) *C* (a).

(b) Each year in January the county shall contribute an amount equal to the surplus arising from annuity deposits. In case there should be a deficiency arising from such annuity deposits, instead of a surplus, the county shall make good the deficiency.

(c) Each month the county shall contribute such amount as the board of retirement may determine to be necessary to pay current pensions for prior service under section six, (2) *C* (b).

(d) Each month the county shall contribute such amount as the board of retirement may determine to be necessary to ensure the minimum payments provided for in section six, *E*.

(3) *Provision for Payments.*

All amounts payable by members of the association under paragraph (2) *A* of this section shall be deducted by the county from the amount payable to them as wages or salary, as often as the same are payable, and shall immediately be credited to the retirement fund by the county treasurer. Provision for payments.

DISTRIBUTION OF FUNDS.

Distribution
of funds.

SECTION 6. The county treasurer shall administer the funds of the retirement system in accordance with the following plan: —

(1) *Expense and Contingent Fund.*Expense and
contingent
fund.

The fund provided for under section five, (1), shall be used, so far as may be necessary, for the payment of the expenses of administration. The portions not so used, if any, shall be repaid into the treasury of the county. In case the amount appropriated for the expense and contingent fund in any year should prove insufficient, the county shall appropriate in the following year such additional sum as may be required to cover the deficit.

(2) *Annuity and Pension Funds.*Annuity and
pension
funds.

A. Refunds. — (a) Should a member of the association cease to be an employee of the county for any cause other than death, before becoming entitled to a pension, there shall be refunded to him all the money that has been paid in by him under section five, (2) *A*, with regular interest.

(b) Should a member of the association die before becoming entitled to a pension, there shall be paid to his legal representatives all the money that has been paid in by him under section five, *A*, with such interest as shall have been earned on such deposits.

Annuities
from
employees'
deposits.

B. Annuities from Employees' Deposits. — Any member who reaches the age of sixty years and has been in the continuous service of the county for fifteen years immediately preceding, and then or thereafter retires or is retired, any member who retires or is retired at the age of seventy years, and any member who is retired for the good of the service under the provisions of section three, (5), shall receive an annuity to which the sum of his deposits under section five, (2), with regular interest, shall entitle him, according to the tables adopted by the board of retirement, in one of the following forms: —

(a) A life annuity, payable monthly.

(b) A life annuity, payable monthly, with the provision that in the event of the death of the annuitant before receiving payments equal to the sum at the date of his

retirement of his deposits under section five, (2) *A*, with regular interest, the difference shall be paid to his legal representatives.

C. Pensions derived from Contributions by the County. —

Pensions
derived from
contributions
by the county.

(a) Pensions based upon subsequent service. Any member entitled to an annuity under paragraph (2) *B* of this section shall receive in addition thereto a pension for life payable monthly equivalent to that annuity, to be paid out of the fund contributed by the county under the provisions of section five, (2) *B* (a).

(b) Pensions based upon prior service. Any member of the association who reaches the age of sixty years, having been in the continuous service of the county for fifteen years or more immediately preceding, and then or thereafter retires or is retired, shall receive in addition to the annuity and pension provided for by paragraphs (2) *B* and *C* (a) of this section an extra pension for life as large as the amount of the annuity to which he might have acquired a claim if the retirement system had been in operation at the time when he entered the service of the county, and if accordingly he had paid regular contributions from that date to the date of the establishment of the retirement association at the same rate as that first adopted by the board of retirement, and if such deductions had been accumulated with regular interest.

Any employee who had already reached the age of fifty-five years on the date when the retirement system was established, and also became a member of the association, may be retired under the provisions of the preceding paragraph without having completed the otherwise required service period of fifteen years. For the purpose of computing any pension payable for prior service, the board of retirement may estimate on the basis determined by them the wages received at any period for which they may deem it impracticable to consult the original records.

Any employee not a member of the association who had already reached the age of fifty-five years on the date when the retirement system was established may be retired at any time, and shall be paid a pension equivalent to the minimum payment hereinafter provided for.

D. Application of Surplus. — The board of retirement shall have power to determine the application of any surplus, as defined under section four, (6) *G*, subject to the approval of the insurance commissioner.

Application
of surplus.

Minimum
and
maximum
payments.

E. Minimum and Maximum Payments. — In no case shall the total monthly payment to a member be at a rate less than two hundred dollars per year, or at a rate more than one half the amount of the average wages or salary received by the member during the ten years prior to his retirement.

Association
membership
and pension
certificate.

F. Association Membership and Pension Certificate. — Membership in the association shall be evidenced by a certificate to be issued to each member by the board of retirement, and the right to an annuity or a pension shall be evidenced by a policy to be issued to each member who retires or is retired by the board of retirement.

TAXATION, ATTACHMENTS AND ASSIGNMENTS.

Taxation,
attachments,
etc.

SECTION 7. The funds of the retirement system, so far as they are invested in personal property, shall be exempt from taxation.

That portion of the wages of a member deducted or to be deducted under this act, the right of a member to an annuity or pension, and all his rights in the fund of the retirement system shall be exempt from taxation, and from the operation of any law relating to bankruptcy or insolvency, and shall not be attached or taken upon execution or other process of any court. No assignment of any right in or to said funds shall be valid.

SUPERVISION BY INSURANCE COMMISSIONER.

Supervision
by insurance
commissioner.

SECTION 8. The insurance commissioner shall prescribe for each county which adopts a retirement system under the provisions of this act one or more mortality tables, and shall determine what rates of interest shall be established in connection with such tables, and may later modify the tables or prescribe other tables to represent more accurately the expense of the pension system, or may change said rates of interest and may determine the application of the changes so made. He shall also prescribe and supervise methods of bookkeeping of each retirement association formed under the provisions of this act.

Inspection
and exam-
ination.

The insurance commissioner shall, at least once in each year, either personally or by deputy or assistant, thoroughly inspect and examine the affairs of the retirement association to ascertain its financial condition, its ability to fulfill its obligations, whether all parties in interest have complied with the provisions of law applicable to the associa-

tion, and whether the transactions of the board of retirement have been in accordance with the rights and equities of those in interest. The retirement system shall be credited, in the account of its financial condition, with the amounts due from the county, under the provisions of section five, (2) *B (a)*, its investments with fixed maturities upon which the interest is not in default at amortized values, and its other investments at a reasonable valuation.

For the purposes aforesaid, the insurance commissioner, or other persons making the examination, shall have access to all the securities, books and papers of the retirement system, and may summon, administer oaths to and examine as witnesses the members of the board of retirement or any other person relative to the financial affairs, transactions and condition of the retirement system. The insurance commissioner shall preserve in a permanent form a full record of the proceedings at said examination, and the results thereof. Upon the completion of the examination, verification and valuation, the insurance commissioner shall make a report in writing of his findings to the board of retirement, and shall send a copy thereof to the county commissioners.

The insurance commissioner to have access to securities, books, etc.

SECTION 9. If, in the judgment of the insurance commissioner, the county or the board of retirement has violated, or neglected to comply with, any provision of this act, or any rule or regulation established by the board of retirement hereunder, he shall give notice thereof to the county and to the board of retirement, and thereafter if such violation or neglect continues shall forthwith present the facts to the attorney-general for his action.

Proceedings in cases of violation of law.

SECTION 10. The superior court shall have jurisdiction in equity, upon petition of the insurance commissioner or of any interested party, to compel the observance and restrain the violation of this act, and of the rules and regulations established by the board of retirement.

Jurisdiction of court.

SECTION 11. This act shall take effect upon its passage.

Approved July 7, 1911.

AN ACT RELATIVE TO THE RECOVERY OF DAMAGES FOR CONSCIOUS SUFFERING IN CERTAIN CASES OF DEATH FROM INJURY.

Chap. 635

Be it enacted, etc., as follows:

SECTION 1. In any civil action brought under the provisions of section sixty-three of Part I of chapter four hun-

Recovery of damages in certain cases

of death
from injury.

dred and sixty-three of the acts of the year nineteen hundred and six, as amended by section one of chapter three hundred and ninety-two of the acts of the year nineteen hundred and seven, damages may be recovered under a separate count at common law for conscious suffering resulting from the same injury, but any sum so recovered shall be held and disposed of by the executors or administrators as assets of the estate of the deceased.

SECTION 2. This act shall take effect upon its passage.
Approved July 7, 1911.

Chap.636 AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN MEDICINE.

Be it enacted, etc., as follows:

Appropriations, board of registration in medicine.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the board of registration in medicine, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Salaries of members.

For the salaries of the members of the board, forty-three hundred dollars.

Expenses.

For travelling and other expenses of the board, a sum not exceeding four hundred and fifty dollars.

Clerk.

For the clerk of the board, the sum of eight hundred dollars.

Printing, postage, etc.

For printing, postage, office supplies and contingent expenses of the members of the board, to include the printing of the annual report, a sum not exceeding nine hundred dollars.

SECTION 2. This act shall take effect upon its passage.
Approved July 7, 1911.

Chap.637 AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN VETERINARY MEDICINE.

Be it enacted, etc., as follows:

Appropriations, board of registration in veterinary medicine.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the board of registration in veterinary medicine for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

For the salaries of the members, a sum not exceeding six hundred dollars. Salaries of members.

For travelling and other expenses, a sum not exceeding five hundred dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved July 7, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY. *Chap. 638*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the board of registration in pharmacy, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: — Appropriations, board of registration in pharmacy.

For the salaries of the members, thirty-one hundred dollars. Salaries of members.

For travelling and other expenses of the members, a sum not exceeding seventeen hundred and twenty-five dollars. Expenses.

For the salary and expenses of the agent, a sum not exceeding twenty-two hundred dollars. Agent.

For a stenographer, witness fees, and incidental and contingent expenses, to include the printing of the annual report, a sum not exceeding seventeen hundred dollars. Stenographer, etc.

SECTION 2. This act shall take effect upon its passage.

Approved July 7, 1911.

AN ACT TO AUTHORIZE THE CITY OF WOONSOCKET IN THE STATE OF RHODE ISLAND TO SUPPLY WATER TO THE TOWN OF BLACKSTONE IN THIS COMMONWEALTH. *Chap. 639*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter six hundred and four of the acts of the year nineteen hundred and ten is hereby amended by striking out all after the word "inhabitants", in the sixth line, and inserting in place thereof the words: — of the town of Blackstone. 1910, 604, § 1, amended.

SECTION 2. Section two of said chapter six hundred and four is hereby amended by striking out the word "precinct", in the fifth line, and inserting in place thereof the word: — town. 1910, 604, § 2, amended.

SECTION 3. Section three of said chapter six hundred and four is hereby amended by striking out the words "pre- 1910, 604, § 3, amended.

cinct one", in the second line, and inserting in place thereof the word: — town, — and also by striking out the word "precinct", in the tenth line, and inserting in place thereof the word: — town.

1910, 604,
§ 5, amended.

SECTION 4. Section five of said chapter six hundred and four is hereby amended by striking out the word "thirty-nine", in the third line, and inserting in place thereof the word: — thirty-seven.

SECTION 5. This act shall take effect upon its passage.

Approved July 7, 1911.

Chap.640 AN ACT TO AUTHORIZE THE TOWN OF PEABODY TO EXTEND
AND INCREASE ITS SYSTEM OF WATER SUPPLY.

Be it enacted, etc., as follows:

The town of
Peabody
may take the
waters of
Humphrey's
brook, etc.

SECTION 1. The town of Peabody, for the purpose of increasing its water supply, may take, or acquire by purchase or otherwise, and hold, use and divert, for the period of three years next following the passage of this act, the waters of Humphrey's brook, so-called, in said town, having one of its natural sources in Suntaug lake, the diversion of said waters to be at some point above the lower railroad crossing near the mouth of said brook. After the completion of the investigation by the state board of health and the making of the final report by that board as required by chapter fifty-four of the resolves of the year nineteen hundred and eleven, the town of Peabody for the purposes above named may, with the consent and approval of the state board of health, and by an act of the general court, take, or acquire by purchase or otherwise, the waters of Boston brook and its tributaries in the towns of Andover, North Andover and Middleton, and the water rights connected therewith, reserving to the owners of mills on said brook, and on Ipswich river, their right as mill owners to use such waters as shall flow to said mills and the dams connected therewith, except so far as the town of Peabody shall from time to time actually divert and use the same for the purposes named in this act; and provided also that the town of Peabody shall not divert any water from said Boston brook except during the months of January, February, March, April, May and December of each year, and shall not at any time divert an amount of water exceeding eight million gallons in any one day. For the purposes of build-

May take the
waters of
Boston
brook, etc.

ing and maintaining additional dams, reservoirs, pumping plants and pipe lines, and of collecting, storing, and preserving the purity of, the waters taken under the provisions of this act, and for the purpose of connecting the same, through Suntaug lake or otherwise, with the present water supply system of the town of Peabody, said town may take, or acquire by purchase or otherwise, all lands, buildings, rights of way and easements within the towns of Andover, North Andover, Middleton, Danvers and Peabody which may be necessary.

SECTION 2. The said town of Peabody may construct on the land acquired under the provisions of this act, proper dams, canals, reservoirs, standpipes, tanks, pumping stations, buildings, fixtures and other structures, including also the establishment and maintenance of filtering beds or systems in said land, and for the aforesaid purposes may construct, lay and maintain aqueducts, conduits, pipes and pipe lines and other works under and over any land, water courses, railroads, street or electric railways in the towns mentioned in section one, and along and under private ways in the aforesaid towns, in such manner as not unnecessarily to obstruct the same, and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works for the purposes of this act, the town of Peabody may dig up or raise and embank any such land, highways, or other ways in such manner as to cause the least hindrance to public travel on such ways; but all things done upon any such ways shall be done under the direction of the selectmen of the town in which said ways are situated. The town shall not enter upon, construct or lay any conduit, pipes or other works within the location of any railroad corporation, except at such times and in such manner as it may agree upon with such corporation, or in case of failure so to agree, as may be approved by the board of railroad commissioners.

May construct dams, canals, etc.

SECTION 3. The town of Peabody shall within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, file and cause to be recorded in the registry of deeds for the district and county in which the same are situated a certificate containing a description of the property taken sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the commission of public works of said town or their successors.

Taking to be recorded.

Damages.

SECTION 4. The town of Peabody shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water rights or easements, or by anything done by said town under authority of this act. Any person or corporation sustaining damages as aforesaid and failing to agree with the town as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within the period of three years after the taking of such land and other property, or the doing of other injury under authority of this act; but no such application shall be made after the expiration of the said three years; and no application for the assessment of damages shall be made for the taking of any water, water right or water source, or any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act, nor unless by such diversion the flow of water shall be perceptibly and materially diminished in the water course from which it is diverted.

Grade of
certain way
to be raised.

SECTION 5. If the town of Peabody shall under authority of this act construct any reservoir in such manner as to flow any existing public way, it shall raise the way to such a grade as will make it reasonably safe and convenient for travel, or shall build in place of any part of said way so flowed another suitable way which shall thereafter be a public way, with all necessary fences and culverts, as and in such manner as shall be agreed upon by the commission of public works of the town of Peabody and the selectmen of the town in which such public way is situated, or, if they cannot agree thereon, then in such manner as shall be determined by the county commissioners on application of either party to them, and the county commissioners are hereby authorized and directed to adjudicate upon the same.

May con-
struct lines
for the trans-
mission of
electricity,
etc.

SECTION 6. The town of Peabody may, for the purpose of transmitting electricity for lighting, heat, and power purposes from its central station in Peabody to any pumping station, plant and buildings erected under the provisions of this act by the town of Peabody in any of the towns mentioned in section one of this act, construct lines over the land of any person or corporation and upon, along and under the public ways, and over water courses and bridges in any of the aforementioned towns, and may erect poles,

piers, abutments and other fixtures, excepting bridges, which may be necessary to sustain the wires of its lines and connect said lines with the system of the town of Peabody for the distribution of electricity, and with its central station, and may transmit electricity for lighting, heat, and power purposes for the sole use of said town through said lines in the towns above mentioned, and may take, or acquire, by purchase or otherwise, all land, rights of way and easements which may be necessary for any of the purposes of this act.

SECTION 7. The town of Peabody, for the purposes aforesaid, may issue from time to time bonds, notes or scrip to an amount not exceeding five hundred thousand dollars, this amount to be in addition to the amount heretofore authorized by law to be issued by the town for the purposes named in this act. Such bonds, notes or scrip shall bear on their face the words, Town of Peabody Water Loan, Act of 1911, shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the selectmen. The town may sell such securities at public or private sale, upon such terms and conditions as it may deem proper, but they shall not be sold for less than their par value.

Town of
Peabody
Water Loan,
Act of 1911.

SECTION 8. The town of Peabody shall, at the time of authorizing said loan, provide for the payment thereof in such annual payments, as nearly equal in amount as practicable, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, a sum which will be sufficient to pay the principal and the interest as it accrues on the said bonds, notes or scrip shall, without further vote, be assessed and collected by the town annually thereafter in a manner similar to that in which other taxes are assessed, until the debt secured by said loan is extinguished.

Payment of
loan.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by said town under authority of this act, shall forfeit and pay to the town three times the amount of the damages assessed therefor, to be recovered in an action of tort; and upon being convicted of any of the above wilful or wanton acts shall be punished by a fine not exceeding

Penalty for
corrupting
or polluting
water, etc.

three hundred dollars or by imprisonment in jail for a term not exceeding one year.

Control of
land and
property
acquired,
etc.

SECTION 10. The commission of public works of the town of Peabody shall manage, improve and control the land and other property purchased or acquired in any way under the provisions of this act, and shall execute, superintend and direct the performance of all the works, matters and things mentioned in this act, unless it is otherwise provided herein or unless other officers or agents shall by vote of the town be expressly chosen for the said purposes, or any of them.

Time of
taking effect.

SECTION 11. This act shall take effect upon its acceptance by a majority vote of the legal voters of the town of Peabody present and voting thereon by ballot, or otherwise, at any legal meeting of the voters of said town; and for the purpose of being submitted to the voters of the town this act shall take effect upon its passage.

Approved July 7, 1911.

Chap.641 AN ACT TO ESTABLISH THE WEST GROTON WATER SUPPLY DISTRICT.

Be it enacted, etc., as follows:

West Groton
Water Sup-
ply District
established.

Boundaries
of district.

SECTION 1. The inhabitants of the westerly part of the town of Groton liable to taxation in that town and residing within the territory enclosed by the following boundary lines, to wit: — Beginning at Squannacook Junction, so-called, at the point of the frog of the main line tracks to Greenville and Brookline, New Hampshire; thence north forty-two degrees forty-one minutes east, about two and five tenths feet to the centre line of the location of the Brookline branch of the Boston and Maine railroad; thence northerly by said centre line about sixty-eight hundred and seventy feet to the centre of the highway crossing bridge number three hundred and forty-three; thence westerly by the highway leading to the paper mill of the Hollingsworth and Vose Company, about forty-five hundred and twenty-six feet to a point opposite a stone wall on the northerly side of said highway between the lands of Harry E. Kemp and Lawrence Cronin; thence north twenty-one degrees thirteen minutes east, about thirty-three feet to the beginning of said wall and five hundred feet in the same direction along said wall; thence north seventy-one degrees fifty-seven minutes forty seconds west, forty-one hundred and forty-six feet;

thence south nineteen degrees twenty-four minutes west, five hundred feet to and along a wall between the lands of Oren Bennett and one Bliss to an iron pin in the ground at end of last named wall and on the northeasterly side of the highway leading to Townsend; thence continuing south nineteen degrees twenty-four minutes west, ten hundred and sixty-seven feet across the last named highway to a point in the centre of the Squannacook river; thence down said river along the line between the towns of Groton and Shirley to a point south thirty-one degrees thirty-two minutes ten seconds east from the last named point and ninety-six hundred and sixty-nine and one tenth feet distant therefrom; thence north forty-two degrees forty-one minutes east two hundred and ninety-six feet to the point of beginning; shall constitute a water supply district, and are hereby made a body corporate by the name of the West Groton Water Supply District, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants, and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and to take or acquire by lease, purchase or otherwise, and to hold property, lands, rights of way and easements for the purpose mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of the district.

Boundaries of district.

SECTION 2. Said water supply district, for the purposes aforesaid, may take or acquire by purchase or otherwise, and hold, the waters of any pond or stream or of any ground source of supply by means of driven, artesian or other wells within the limits of the district, or in the town of Shirley, and the water rights connected with any such water sources. The said water supply district may also take, or acquire by purchase or otherwise, and hold, all lands, rights of way and easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district: *provided, however*, that no source of water supply and no lands necessary for preserving the quality of the water shall be taken or used without first obtaining the advice and approval of the state board of health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board. Said district may construct on the lands acquired under the provisions

May acquire certain waters, etc.

Proviso.

of this act, proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water course, railroads, railways and public or other ways, and along any such ways, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, said district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; and all things done upon any such way shall be subject to the direction of the selectmen of the town of Groton.

Taking to be
recorded.

SECTION 3. Said water supply district shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements under the provisions of this act, file and cause to be recorded in the registry of deeds for the county or district in which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for. The title to all land taken, purchased or acquired in any way under the provisions of this act shall vest in said West Groton Water Supply District, and the land so acquired may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district.

Damages.

SECTION 4. Said district shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said district under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with the district as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within two years after the taking of such land or other property or the doing of other injury under authority of this act;

but no such application shall be made after the expiration of said two years, and no application for assessment of damages shall be made for the taking of any water or water right, or for any injury thereto, until the water is actually withdrawn or diverted by the district under authority of this act. Said district may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages caused by such taking shall be based upon that amount or quantity until the same shall be increased by vote or otherwise, and in that event said district shall be liable further only for the additional damage caused by such additional taking.

SECTION 5. Said district, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding twenty-five thousand dollars. Such bonds, notes or scrip shall bear on their face the words, West Groton Water Supply District Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four and one half per cent per annum; and shall be signed by the treasurer of the district and countersigned by the water commissioners hereinafter provided for. Said district may sell such securities at public or private sale, upon such terms and conditions as it may deem proper; but they shall not be sold for less than their par value. The town of Groton may, at its annual town meeting or at a special meeting duly called for the purpose, guarantee the payment of such bonds, notes or scrip.

West Groton
Water Sup-
ply District
Water Loan.

SECTION 6. Said district shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said district, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be raised annually by taxation in the manner hereinafter provided.

Payment of
loan.

Copy of tax
voted to be
sent to
assessors.

Provisos.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of the town of Groton, who shall proceed within thirty days thereafter to assess the same in the same manner in which town taxes are required by law to be assessed: *provided, however*, that no estate shall be subject to the said tax if, in the judgment of the board of water commissioners hereinafter provided for, the estate is so situated that it can receive no aid for the extinguishment of fire from the said system of water supply, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, in any ordinary or reasonable manner, could not be supplied with water from the said system; but all other estates in the district shall be deemed to be benefited and shall be subject to the tax. A certified list of the estates exempt from taxation under the provisions of this section shall annually be sent by the water commissioners to the assessors, at the same time at which the clerk sends a certified copy of the vote as aforesaid. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect overdue interest on taxes in the manner in which interest is authorized to be collected on town taxes; *provided*, that said district at the time of voting to raise the tax shall so determine and shall also fix a time for payment thereof.

First
meeting.

SECTION 8. The first meeting of said district shall be called on petition of ten or more legal voters therein, by a warrant from the selectmen of the town of Groton or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. The said justice of the peace or one of the selectmen shall preside at the meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. After the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the voters, and if the act is accepted by a majority vote of the voters present and voting thereon it shall take effect, and the meeting may then proceed to act on the other articles contained in the warrant.

SECTION 9. The West Groton Water Supply District shall, after the acceptance of this act as aforesaid, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as the district may impose by its vote. Said commissioners shall appoint a treasurer of the district, who may be one of their number, who shall give bonds to the district to such an amount, and with such sureties as may be approved by the commissioners. A majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said water supply district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of the water works, except by a written order of said commissioners or a majority of them.

Water commissioners,
election,
terms, etc.

Vacancy.

SECTION 10. Said commissioner shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds, notes or scrip issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. No money shall be expended in new construction by the water commissioners, except from the net surplus aforesaid, unless the district appropriates and provides money therefor. Said commissioners shall annually, and as often as the district may require, render a report upon the condition of the works under their charge and an account of their doings, including an account of all receipts and expenditures.

Water rates.

By-laws.

SECTION 11. Said district may adopt by-laws prescribing by whom and how meetings may be called, notified and conducted; and upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section eight. Said district may also choose such other officers not provided for in this act as it may deem necessary or proper.

Penalty for corrupting or polluting water.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, stand-pipe, aqueduct, pipe or other property owned or used by said district for the purposes of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment in jail for a term not exceeding six months.

Time of taking effect.

SECTION 13. This act shall take effect upon its acceptance by a majority vote of the voters of said district present and voting thereon at a district meeting called in accordance with the provisions of section eight, within three years after the passage of this act; but it shall become void unless the said district shall begin to distribute water to consumers within two years after the date of the acceptance of this act as aforesaid.

Approved July 7, 1911.

Chap. 642 AN ACT RELATIVE TO NON-COMMISSIONED OFFICERS OF THE MILITIA.

Be it enacted, etc., as follows:

1908, 604,
§ 158,
amended.

SECTION 1. Section one hundred and fifty-eight of chapter six hundred and four of the acts of the year nineteen hundred and eight is hereby amended by inserting after the word "officers", in the ninth and thirteenth lines, the words: — and non-commissioned officers, — so as to read as follows: — *Section 158.* Brigade commanders may, six times in each year, call meetings for instruction of their staff officers, including attached departmental officers, field officers, adjutants, and captains of unattached companies of their commands, at some convenient place within the limits of their brigades, or at such place as the commander-in-chief may designate. Commanders of regiments, separate battalion, squadron, naval brigade and corps of cadets may call similar meetings of the officers and non-commissioned officers of their respective commands, including

Meetings of officers for instruction, etc.

attached departmental officers, six times in each year. No compensation shall be allowed for attendance at such meetings, but the quartermaster-general shall provide the necessary transportation for all officers and non-commissioned officers attending such meetings, at the rates established by law, when the distance travelled exceeds five miles. At the discretion of the commander-in-chief a school for officers may be established in any part of the commonwealth, under such regulations as he deems proper.

SECTION 2. The first sentence of section one hundred and seventy-four of said chapter six hundred and four is hereby amended by inserting after the word "officers", in the thirteenth line, the words: — and non-commissioned officers, — so that the first sentence of the said section will read as follows: — There shall be allowed and paid to each officer and soldier required to travel on duty, as follows: under sections one hundred and forty-one, one hundred and forty-two, one hundred and fifty-one, one hundred and fifty-two and one hundred and sixty, two cents a mile each way, computed by the most direct railroad communication from the place in which the headquarters of the various commands and the armories of the companies are situated; and when upon duty as a member or judge advocate of any military court or board, or as a witness or defendant before such court or board, when appearing before the board of examiners provided for in section sixty-three, when attending meetings of officers and non-commissioned officers, as provided in section one hundred and fifty-eight; when acting as the presiding officer at an election, as an elector at the election of a general or field officer, or as a paymaster, or in any case when obliged by orders of the commander-in-chief to travel without troops, — four cents a mile each way, computed by the most direct railroad communication from the residence of the officer or soldier.

1908, 604,
§ 174,
amended.

Allowances
for travel,
etc.

SECTION 3. This act shall take effect upon its passage.

Approved July 7, 1911.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE STATE BOARD OF HEALTH. *Chap. 643*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses

Appropriations,
board
of health.

of the state board of health, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Secretary.

For the salary of the secretary, five thousand dollars.

Work of the board, etc.

For the general work of the board, including travelling expenses, a sum not exceeding twenty thousand dollars.

Inspection of milk.

For salaries and expenses in the inspection of milk, food and drugs, a sum not exceeding fourteen thousand five hundred dollars.

Examination of sewer outlets.

For expenses in the examination of sewer outlets, a sum not exceeding fourteen thousand dollars.

Antitoxin and vaccine lymph.

For expenses in the production and distribution of anti-toxin and vaccine lymph, a sum not exceeding twenty thousand dollars.

Annual report.

For printing and binding the annual report, a sum not exceeding five thousand dollars.

Engineers, chemists, etc.

For the services of engineers, chemists, biologists and other assistants, and for other expenses in protecting the purity of inland waters, a sum not exceeding thirty-six thousand dollars.

Inspectors of health.

For salaries of the inspectors of health, a sum not exceeding twenty-five thousand dollars.

Health districts.

For expenses under the act establishing health districts, a sum not exceeding sixty-eight hundred dollars.

Watershed of the Charles river basin.

For expenses in connection with the watershed of the Charles river basin in the city of Boston, a sum not exceeding eighteen hundred dollars.

Examination of plumbers.

For the compensation and expenses of the state examiners of plumbers, a sum not exceeding fifty-one hundred dollars.

Prevention of ophthalmia neonatorum.

For expenses in carrying out the provisions of the act relative to the prevention of ophthalmia neonatorum, a sum not exceeding twenty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved July 7, 1911.

Chap. 644 AN ACT TO PROVIDE FOR A WATER SUPPLY FOR THE SHELBURNE FALLS FIRE DISTRICT AND ITS INHABITANTS.

Be it enacted, etc., as follows:

Water supply for the Shelburne Falls Fire District.

SECTION 1. The Shelburne Falls Fire District in the towns of Buckland and Shelburne, established by chapter two hundred and sixty-two of the acts of the year eighteen hundred and fifty-five and acts in amendment thereof and in addition thereto, may supply itself and its inhabitants

with water for extinguishing fires and for domestic, manufacturing and other purposes; may establish fountains and hydrants, and relocate or discontinue the same, and may regulate the use of water, and fix and collect rates to be paid for the use of the same.

SECTION 2. The Shelburne Falls Fire District for the purposes aforesaid may take, or acquire by purchase or otherwise, and hold, the waters of Fox brook in the towns of Colrain and Shelburne, and the waters flowing into and from the same, together with any and all water rights connected therewith, and the waters of Houghton brook in Colrain and Charlemont, and the waters flowing into and from the same, and the waters of Fink brook, together with any and all water rights connected therewith, or any other source of water supply in the towns of Buckland and Shelburne which may be approved by the state board of health, may purchase any existing system for supplying water, and may also take, or acquire by purchase or otherwise, and hold, all rights of way, easements and lands in the towns of Colrain, Charlemont, Buckland and Shelburne necessary for conveying the water to and through said district, and over or under the Deerfield river and North river. No source of water supply for domestic purposes shall be taken under this act without the consent and approval of the state board of health. The said fire district may construct on the lands thus acquired proper dams, reservoirs, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary to establish and maintain complete and effective water works; and may construct and lay conduits, pipes and other works under or over any such water courses, railroads, railways or public or private ways, and along such ways, in such manner as not unnecessarily to obstruct the same, and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works and for all proper purposes of this act the said fire district may dig up any such lands, and may enter upon and dig up any such ways in such manner as to cause the least possible hindrance to public travel. The title to all land taken or purchased under the provisions of this act shall vest in said Shelburne Falls Fire District, and the land so taken may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as

May take the waters of Fox brook, etc.

May construct dams, reservoirs, etc.

Title to vest in the Shelburne Falls Fire District.

they shall deem for the best interests of the district. The district shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure to so agree, as may be approved by the board of railroad commissioners.

Taking to be
recorded.

SECTION 3. The Shelburne Falls Fire District shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements, as aforesaid, file and cause to be recorded in the registry of deeds for the county of Franklin a description thereof, sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Damages.

SECTION 4. The Shelburne Falls Fire District shall pay all damages to property sustained by any person or corporation by the taking of any lands, rights of way, water, water sources, water rights or easement, or by any other thing done by said district under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act and failing to agree with said district as to the amount thereof may have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, on making application, at any time, within the period of two years after the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said two years. No application for the assessment of damages shall be made for the taking of any water, water right or for any injury thereto until the water is actually withdrawn or diverted by the Shelburne Falls Fire District under authority of this act.

The district
may tender
a certain
sum for
damages, etc.

SECTION 5. In every case of a petition to the superior court for an assessment of damages, the said district may tender to the petitioner, or his attorney, any sum, or may bring the same into court to be paid to the petitioner for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed, and if the petitioner does not accept such sum, with his costs up to that time, but proceeds in his suit, and does not recover greater damages than were so offered or ten-

dered, not including interest on the sum recovered as damages from the date of such offer or tender, the Shelburne Falls Fire District shall recover judgment for its costs after said date, for which execution shall issue; and the petitioner, if he recovers damages, shall be allowed his costs only to the date of such offer or tender.

SECTION 6. Said district may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding seventy-five thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Shelburne Falls Fire District Water Loan, Act of 1911, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the Shelburne Falls Fire District and countersigned by the water commissioners hereinafter provided for. Said district may sell such securities at public or private sale, upon such terms and conditions as it may deem proper, but they shall not be sold for less than their par value.

Shelburne
Falls Fire
District
Water Loan,
Act of 1911.

SECTION 7. Said district shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said district, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the assessors of said district in each year thereafter, in the same manner in which other taxes are assessed, until the debt incurred by said loan is extinguished.

Payment of
loan.

SECTION 8. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by said district under authority of this act, shall forfeit and pay to the said district three times the amount of damages assessed therefor, to be recovered in an action of tort; and, upon being convicted of any of the above wilful or wanton acts, shall be punished by a fine

Penalty for
corrupting
or polluting
water, etc.

not exceeding three hundred dollars, or by imprisonment in jail for a term not exceeding one year.

Water commissioners,
election,
terms, etc.

SECTION 9. Said district shall, after its acceptance of this act, at the same meeting at which the act is accepted, or at a subsequent meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said district by this act and not otherwise specifically provided for shall be vested in the said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as the district may impose by its vote. A majority of the board of commissioners shall constitute a quorum for the transaction of business.

Vacancy.

Any vacancy occurring in the said board from any cause may be filled for the remainder of the unexpired term by the said water supply district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of the water works except by a written order of the said commissioners or a majority of them.

Contracts,
etc.

SECTION 10. Said district may make such contracts with individuals and corporations for supplying water as may be agreed upon, and may extend its pipes for that purpose, under the direction of the selectmen or highway commissioners, through the streets and highways of the towns of Shelburne and Buckland lying outside the corporate limits of said district. Said district may fix and collect rates for the use of water, and may discontinue or shut off the water for the non-payment thereof and for violation of the terms of any contract made in accordance with this section.

Time of
taking effect.

SECTION 11. This act shall take full effect upon its acceptance by a majority of the legal voters of the Shelburne Falls Fire District present and voting thereon by ballot at a legal fire district meeting called for the purpose within six months after the passage of this act. Notice of the meeting shall be given by posting a copy of the call in at least five conspicuous places in said district, and by publishing said call, together with a copy of this act, in one or more newspapers published in the town or towns within which the district is situated not less than seven

days before the date of said meeting, and in such other manner as the rules or by-laws of the district require: *provided*, Proviso. *however*, that the number of meetings so called within the said period shall not exceed two.

SECTION 12. This act, for the purpose of being submitted to the voters of the said district, shall take effect upon its passage.

Approved July 10, 1911.

AN ACT TO AMEND THE CHARTER OF THE CITY OF LOWELL. *Chap. 645*

Be it enacted, etc., as follows:

SECTION 1. The government of the city of Lowell and the general management and control of all its affairs shall be vested in a municipal council, which shall be elected and shall exercise its powers in the manner hereinafter set forth; except, however, that the general management and control of the public schools of the city and of the property pertaining thereto shall be vested in a school committee. City of Lowell.

SECTION 2. The municipal council shall consist of five members, to wit, a mayor and four aldermen. The school committee shall consist of five members. All the above officers shall be elected at large by and from the qualified voters for terms of two years, unless it is otherwise provided in this act. Municipal council.

SECTION 3. The annual city election of the city of Lowell shall be held on the third Tuesday of December in the current year, and thereafter on the second Tuesday of December in each year. Every special city election shall be held on a Tuesday. Annual election.

SECTION 4. The municipal year shall begin at ten o'clock in the forenoon on the first Monday of January, and shall continue until ten o'clock in the forenoon on the first Monday of the January next following. Municipal year.

SECTION 5. In the year nineteen hundred and eleven, and in every second year thereafter, there shall be elected at the annual city election a mayor. In the year nineteen hundred and eleven there shall be elected four aldermen and five members of the school committee. The two candidates receiving the largest number of votes for aldermen shall be elected for the term of two municipal years, and the two candidates receiving the next largest number of votes shall be elected for the term of one municipal year. The two candidates receiving the highest number of votes for the school committee shall be elected for the term of two munic- Election of mayor.

ipal years, and the three candidates receiving the next highest number of votes shall be elected for the term of one municipal year. In the year nineteen hundred and twelve, and every year thereafter, there shall be elected two aldermen for the term of two municipal years. In the year nineteen hundred and twelve, and every second year thereafter, there shall be elected three members of the school committee for the term of two municipal years. In the year nineteen hundred and thirteen, and every second year thereafter, there shall be elected two members of the school committee for the term of two municipal years. Except as aforesaid and as is otherwise provided in this act, no city officer shall be elected at any city election. The above mentioned officers shall be elected by and from the qualified voters of the city, and may be residents of any part thereof.

Preliminary
election of
candidates.

SECTION 6. On the third Tuesday preceding every annual or special city election at which any officer mentioned in section two is to be elected, there shall be held a preliminary election for the purpose of nominating candidates for such offices as under the provisions of this act or of any act in amendment thereof are to be filled at such annual or special city election. The notice calling for the said preliminary election shall be issued at least forty days before the date of the city election, except that in the year nineteen hundred and eleven the notice may be issued thirty days before the date of the city election. No special election for mayor or alderman shall be held until after the expiration of forty days from the calling of the preliminary election, which under the provisions of this act is to be held on the third Tuesday preceding such special election.

Time of
opening and
closing the
polls, etc.

SECTION 7. At every preliminary election the polls shall be opened at twelve o'clock noon, and shall not be closed before eight o'clock in the evening, and, except as is otherwise provided in this act, every such preliminary election shall be called by the same officers and held in the same manner as an annual city election. The polling places shall be designated, provided, and furnished, and official ballots, special ballots, ballot boxes, voting lists, specimen ballots, blank forms, apparatus and supplies shall be provided for every such preliminary election, of the same number and kind and in the same manner as at an annual city election, and the same election officers shall officiate as at an annual city election.

Official
ballots.

SECTION 8. Except as is provided in section fifty-nine, there shall not be printed on the official ballots to be used

at any annual or special city election of said city the name of any person as a candidate for mayor, alderman or member of the school committee, unless such person shall have been nominated for such office at a preliminary election held as provided in this act. There shall not be printed on the official ballots to be used at a preliminary election the name of any person as a candidate for nomination for any offices, except political committees for the current year, unless such person shall have filed within the time set forth in section nine of this act the statement of the candidate and also the petition described in section nine. Political committees in the city of Lowell shall be elected in the current year at the municipal primaries, and thereafter at the state primaries.

SECTION 9. Any person eligible for any elective office for which provision is made herein may have his name printed as a candidate for such office on the official ballots to be used at a preliminary election: *provided*, that he shall, at least ten days before such preliminary election, file with the city clerk a statement in writing of his candidacy, in substantially the following form: —

Names of candidates to be printed on ballot.

Proviso.

STATEMENT OF CANDIDATE.

I, _____, on oath declare that I reside at No. _____ street, in the city of Lowell; that I am a voter in said city qualified to vote for a candidate for the office hereinafter named; that I am a candidate for nomination for the office of _____ to be voted for at the preliminary election to be held on Tuesday, the _____ day of _____ 19 ____; and I request that my name be printed as a candidate for such office on the official ballots to be used at such preliminary election.

Statement of candidate.

(Signed)

COMMONWEALTH OF MASSACHUSETTS.

Middlesex, ss.:

Subscribed and sworn to this _____ day of 19 __, before me,

Justice of the peace.

(or notary public.)

and *provided*, that he shall at the same time file therewith a petition of at least twenty-five voters of the city qualified to vote for a candidate for said office, which petition shall be in substantially the following form:

Proviso.

PETITION ACCOMPANYING STATEMENT OF CANDIDATE.

Form of
petition.

Whereas _____ is a candidate for nomination
for the office of _____, we, the undersigned
voters of the city of Lowell, duly qualified to vote for a
candidate for said office, do hereby request that the name
of said _____ be printed on the official ballots
to be used at the preliminary election to be held on the
_____ Tuesday of _____ 19 ____.

We further state that we believe him to be of good moral
character, and qualified to perform the duties of the office.

Names of voters. _____ Street No. _____ Street, _____ if any.

Acceptance
not
necessary.

No acceptance by a candidate for nomination named
in such petition shall be necessary for its validity or for
its filing, and the petition need not be sworn to. Every
voter qualified as aforesaid may sign as many petitions
for nomination for each office as there are persons to be
elected thereto, and no more.

Women may
be candidates
for school
committee.

SECTION 10. Women who are qualified to vote for
members of the school committee may be candidates for
nomination for that office at any preliminary election at
which candidates for nomination for that office are to be
voted for; and at such preliminary election they may vote
for candidates for nomination for that office. They shall
file the hereinbefore described statement and petition in
all cases where the same are herein required to be filed
by male candidates for that office.

List of can-
didates to be
published.

SECTION 11. On the first day, not being Sunday or a
legal holiday, following the expiration of the time for filing
the above described statements and petitions, the city
clerk shall cause to be published in one or more daily
newspapers of said city, the names and residences of the
candidates for nomination who have duly filed the above
mentioned statements and petitions, and the offices and
terms for which they are candidates, as they are to appear
on the official ballots at the preliminary election. There-
upon the city clerk shall prepare and cause to be printed
the ballots to be used at such preliminary election; and the
ballots so prepared shall be the official ballots and the only
ballots that may be used at such preliminary election. They
shall be headed as follows:

OFFICIAL PRELIMINARY BALLOT.

Candidates for nomination for mayor, aldermen and school committee of the city of Lowell. At a preliminary election for nominations held on the _____ day of _____ in the year nineteen hundred and _____. (The heading shall be varied in accordance with the offices for which nominations are to be made.)

Official preliminary ballot.

SECTION 12. The name of every person who has filed a statement and petition as aforesaid, and his residence and the title and term of the office for which he is a candidate, shall be printed on said ballots, and the names of no other candidates shall be printed thereon. Ballots for use at the said election, and for use by women qualified to vote for members of the school committee, shall be prepared and furnished in the manner now provided by law. There shall be printed on all said ballots such directions as will aid the voters; for example, "vote for one", "vote for two", and the like.

Names of certain persons to be printed on ballot, etc.

PARTY DESIGNATIONS ABOLISHED.

SECTION 13. No ballots used at any annual or special city election, or at any preliminary election shall have printed thereon any party or political designation or mark; and there shall not be appended to the name of any candidate any party or political designation or mark, or anything showing how he was nominated, or indicating his views or opinions. On all ballots to be used at annual or special city elections, or at preliminary elections, blank spaces shall be left at the end of each list of candidates for the different offices, equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office, provided that such person is eligible for such office.

Party designations abolished.

SECTION 14. The qualifications for voting at a preliminary election and at a city election shall be the same.

Qualifications for voting.

SECTION 15. The election officers shall immediately upon the closing of the polls at preliminary elections count the ballots and ascertain the number of votes cast in the polling places where they respectively officiate for each person for nomination for the office for which he was a candidate; and they shall forthwith make returns thereof to the city

Counting of ballots, etc.

clerk upon blank forms to be furnished to them as in city elections.

Canvass of
returns.

SECTION 16. On the first day, not being Sunday or a legal holiday, following such preliminary election, the city clerk shall canvass said returns so received from the election officers, shall forthwith determine the results of said canvass, and shall forthwith cause the same to be published in one or more daily newspapers of the city.

NOMINATIONS.

Nomina-
tions, etc.

SECTION 17. The two persons receiving at a preliminary election the highest and second highest number of votes, respectively, for any office shall be the candidates whose names shall be printed on the official ballots to be used at the annual or special city election for which such preliminary election was held; except that in case two or more persons receive the same number of votes, and more votes than any other person for the same office, then said persons shall be the candidates, as aforesaid, whose names shall be printed on said official ballots. If two or more persons are to be elected to the same office at such annual or special city election, the several persons, to a number equal to twice the number so to be elected to such office, receiving at said preliminary election the highest number of votes, the second highest number of votes, and so on to the number to be nominated, shall be the candidates whose names shall be printed on the official ballots to be used at such annual or special city election. If, in order to obtain the requisite number of candidates for any office, it becomes necessary to take one of two or more persons having the same number of votes for the same office, then the names of all the aforesaid persons having the same number of votes for that office shall be printed on the official ballot to be used at such annual or special city election, together with the names of all persons, if any, receiving a higher number of votes for such office, even though it makes the number of candidates more than twice the number to be chosen to such office. No names of candidates shall be printed on said official ballots except as provided in this section and in section fifty-nine.

Acceptance
not
necessary.

SECTION 18. No acceptance of a nomination made at a preliminary election shall be necessary for the validity of such nomination.

ELECTIONS.

SECTION 19. At a city election other than the above Elections. described preliminary election, the person receiving the highest number of votes for an office shall be deemed and declared elected to such office; and if two or more persons are to be elected to the same office the several persons receiving, respectively, the highest number of votes, the second highest, and so on to the number to be chosen to such office, shall be deemed and declared to be elected; but persons receiving the same number of votes shall not be deemed to be elected if thereby a greater number would be elected than are by law to be chosen.

SECTION 20. The laws of the commonwealth relating to annual city elections, special elections of city officers, special elections in cities, election officers, voting places for elections, election apparatus and blanks, calling and conduct of elections, manner of voting at elections, counting and recounting of votes at elections, corrupt practices and penalties shall apply to all elections under this act, including preliminary elections, except as is otherwise provided herein. Certain provisions of law to apply.

ABOLISHMENT OF PRESENT GOVERNMENT.

SECTION 21. At ten o'clock in the forenoon of the first Monday of January, in the year nineteen hundred and twelve, the city council, board of mayor and aldermen, board of aldermen and common council, board of charities, board of trustees of public cemeteries, and water board shall be abolished; the terms of office which the present mayor, aldermen, common councilmen, school committee, members of the board of charities, board of trustees of public cemeteries, and water board are now serving shall terminate; and, except as is otherwise provided in this act, all the present powers and duties, under any act, general or special, of the mayor, board of mayor and aldermen, board of aldermen, city council, common council, board of charities, board of trustees of public cemeteries, and water board, and all the powers and duties with respect to the police force in said city now vested in the board of police of the city of Lowell, are hereby transferred to, shall vest in, devolve upon, and be exercised and performed by the municipal council. The municipal council shall be the judge of the election of its own members. Present city government abolished.

Meeting of
municipal
council, etc.

SECTION 22. The municipal council elected as aforesaid shall meet at ten o'clock in the forenoon of the first Monday in January in each year; and the members of said municipal council, whose terms of office then begin shall severally make oath before the city clerk, or any officer authorized to administer oaths, to perform faithfully the duties of their respective offices. The municipal council shall thereupon be organized by the choice of a president, who shall be called the president of the municipal council, and shall hold his office during its pleasure. The president of the municipal council shall be some member thereof other than the mayor. The organization of the municipal council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve, or non-election of the mayor, or one or more of the four other members: *provided*, that at least three of the persons entitled to be members of the municipal council are present and make oath as aforesaid. Any person entitled to make the aforesaid oath, who was not present at the time fixed therefor, may make oath at any time thereafter.

Proviso.

Designation of
commissioners.

The mayor shall be the commissioner of public safety, and the municipal council shall at such meeting, or as soon thereafter as may be, designate by majority vote one alderman to be commissioner of finance; one to be commissioner of streets and highways; one to be commissioner of water works and fire protection; and one to be commissioner of public property and licenses; but such designations shall be changed whenever it appears that the public service would be benefited thereby.

MEETINGS OF MUNICIPAL COUNCIL.

Meetings
of municipal
council.

SECTION 23. The municipal council shall fix suitable times for its regular meetings, which shall be held at city hall. The mayor, the president of the municipal council, or any two members thereof, may, at any time, call a special meeting, by causing a written notice, stating the time of holding such meeting, and signed by the person or persons calling the same, to be delivered in hand to each member, or left at his usual dwelling place, at least six hours before the time of such meeting. All public hearings shall be held so far as practicable in the evening, but may be held at any time.

Quorum, etc.

SECTION 24. A majority of the members of the municipal council shall constitute a quorum; its meetings shall

be public, and the mayor, if present, shall preside and shall have the right to vote. In the absence of the mayor, the president of the municipal council shall preside, and in the absence of both, a chairman pro tempore shall be chosen. The city clerk shall be, ex officio, clerk of the municipal council, and shall keep records of its proceedings; but in case of his temporary absence, or in case of a vacancy in the office, the municipal council may elect by ballot a temporary clerk, who shall be sworn to the faithful discharge of his duties and may act as clerk of the municipal council until a city clerk is chosen and qualified. All final votes of the municipal council involving the expenditure of fifty dollars or over shall be by yeas and nays, and shall be entered on the records. It shall vote by yeas and nays when that is practicable, and on the request of one member any vote shall be by yeas and nays and shall be entered upon the records. The affirmative vote of at least three members shall be necessary for the passage of any order, ordinance, resolution or vote.

POWERS OF THE MUNICIPAL COUNCIL.

SECTION 25. The municipal council shall have the power to do, except as is otherwise provided in this act, without the approval of the mayor, all things which the city council, board of aldermen, common council, board of charities, board of trustees of public cemeteries, and water board, can now do with such approval. The municipal council shall determine the policies to be pursued and the work to be undertaken in each department, but each commissioner shall have full power to carry out the policy or to have the work performed in his department, as directed by the municipal council. Any notes, bonds or scrip which the city is authorized to issue shall be signed by its treasurer and countersigned by a majority of the municipal council.

Powers of municipal council.

Signing of notes, bonds, etc.

SECTION 26. The municipal council shall have full supervision of the erection, alteration and repair of all public buildings, including school buildings, except repairs and alterations of school buildings for which provision is made in the annual appropriation. No department of the city, and no corporation or person, shall at any time open, dig up or otherwise obstruct any way or sidewalk, without the consent of the municipal council or officer designated by them, except in case of an emergency.

Supervision of erection, etc., of buildings.

PUBLICITY FOR CONTRACTS.

Publicity for
contracts.

SECTION 27. Neither the municipal council nor the school committee shall make or pass any order, resolution, or vote appropriating money in excess of five hundred dollars, or making or authorizing the making of any contract involving a liability on the part of the city in excess of five hundred dollars, unless the same is proposed in writing and notice is given by the city clerk in at least one daily newspaper of the city, not less than one week before its passage, except an order, resolution or vote for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a four fifths vote; such notice shall be given as aforesaid upon the request of the municipal council or of the school committee.

Time of taking
effect of cer-
tain measures,
etc.

SECTION 28. When the municipal council shall pass any measure or an amendment or repeal of any measure, such measure, amendment or repeal so passed shall, except as is otherwise provided in this act, take effect at the expiration of ten days from its passage: *provided, however*, that if there be a time therein specified when it shall take effect, and such time be more than ten days after its passage, such measure, amendment or repeal shall, except as is otherwise provided in this act, take effect at the time so specified therein.

Proviso.

Approval of
court, etc.,
not required.

SECTION 29. No measure passed by the municipal council or by the voters, as provided in this act, shall require the approval of any court or of the attorney-general, or shall be required to be published in order to become effective, unless otherwise provided in this act.

Deeds, leases,
etc.

SECTION 30. Upon a vote of the municipal council, the mayor shall sign, seal, execute and deliver in behalf of the city deeds and leases of land sold or leased by the city, and other deeds, agreements, contracts, leases, indentures, assurances, and instruments on behalf of the city, except as is otherwise provided herein.

Mayor not
to have power
of veto.

SECTION 31. The mayor shall have no power of veto, and no measure which the municipal council shall make or pass shall be presented to him for, or shall require, his approval in order to be effective.

Estimates.

SECTION 32. Each of the five commissioners provided for in section twenty-two of this act shall annually submit

to the municipal council in the month of January detailed Estimates. estimates of the amounts necessary for his respective department for the financial year, which shall begin on the first day of January. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made or liability incurred by or in behalf of the city until the municipal council has duly voted an appropriation sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable therefrom, except that after the expiration of the financial year and before the fifteenth day of March, upon vote of the municipal council, liabilities payable out of the regular appropriation may be incurred to an amount not exceeding one sixth of the total appropriation made for similar purposes in the preceding year. At any time the unexpended balance of any sum appropriated for a specific purpose, and not further required for such purpose, may be transferred to another account by vote of the municipal council, but no money raised by loan shall be transferred to any appropriation from income or taxes. Nothing herein contained shall be taken to prohibit the payment at any time of executions against the city. The school committee shall in the month of January of each year submit to the municipal council an estimate in detail of the amount deemed by it necessary to expend for its purposes during the financial year, which shall begin on the first day of January.

SECTION 33. No officer of said city, except in the case of extreme emergency involving the health or safety of the people or their property, shall expend knowingly in any fiscal year, any sum in excess of the appropriation therefor duly made in accordance with law, and any officer who shall violate this provision shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment. Expenditures not to exceed appropriations.

SECTION 34. All loans issued by the city after the passage of this act, except temporary loans in anticipation of taxes, shall be made payable in annual instalments in the manner authorized by section thirteen of chapter twenty-seven of the Revised Laws, as amended by section one of chapter three hundred and forty-one of the acts of the year nineteen hundred and eight. Loans.

MONTHLY STATEMENTS TO BE PUBLISHED.

Monthly
statements
to be pub-
lished, etc.

SECTION 35. The commissioner of finance shall each month have printed in pamphlet form a detailed itemized statement of all cash receipts and expenditures of the city during the preceding month, and of all bills and accounts owed by the city at the end of the preceding month, in such a manner as to show the gross monthly revenue and expense of each department, and shall furnish copies thereof to the public library, to the daily newspapers published in said city, and to persons who shall apply therefor at the office of the city clerk. At the end of the municipal year he shall cause a complete examination of all books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for the publication of monthly statements. The provisions of this section shall apply to the school department of the city, and the school committee shall furnish the commissioner of finance with such information, facts, figures and data as may be necessary to carry out the provisions of this section so far as it applies to the school department.

CRIMINAL OFFENSE TO PARTICIPATE IN CONTRACTS.

Members of
the municipal
council, etc.,
not to par-
ticipate in
contracts, etc.

SECTION 36. It shall be unlawful for a member of the municipal council or school committee, or for any officer or employee of the city, directly or indirectly to make a contract with the city, or to receive any commission, discount, bonus, gift, contribution or reward from, or any share in the profits of any person or corporation making or performing such a contract, unless such member, officer, or employee immediately upon learning of the existence of such contract, or that such contract is proposed, shall notify in writing the municipal council or school committee of such contract and shall abstain from doing any official act on behalf of the city in reference thereto. In case such interest exists on the part of an officer whose duty it is to make such a contract on behalf of the city, the contract may be made by another officer of the city, duly authorized thereto by the mayor, or if the mayor has such interest, by the commissioner of finance. A violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the city. Any person violating the provisions of this section shall be punished by a fine of not

more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

ADMINISTRATIVE OFFICERS.

SECTION 37. There shall be the following administrative officers, who shall perform the duties prescribed by law for them, respectively, and such further duties, not inconsistent with the nature of their respective offices and with the general law, as the municipal council may prescribe, except as is otherwise provided herein: a city clerk, a city treasurer and collector of taxes, a city auditor, a purchasing agent, a superintendent of streets, a superintendent of water works, a city engineer, a city physician, a city messenger, a board of health consisting of three members, a board of park commissioners consisting of five members, a city solicitor, a chief of the fire department, a superintendent of police, a sealer of weights and measures, a board of sinking fund commissioners consisting of three members, and a board of assessors consisting of three members. The board of assessors shall have full power to appoint for assistance in the performance of their duties, and to remove at pleasure, such assistant assessors, temporary assistant assessors, and permanent and temporary clerks as are now authorized or may hereafter from time to time be authorized by the municipal council.

Administrative officers.

DEPARTMENTS.

SECTION 38. The administration of all affairs of the city shall be divided into five departments, to wit: — department of public safety, department of finance, department of streets and highways, department of water works and fire protection and department of public property and licenses; and said departments are defined as follows: —

Departments.

The department of public safety shall include the following sub-departments and all boards and offices connected therewith, to wit: — police, health, poor, legal and claims.

The department of finance shall include the following sub-departments and all boards and offices connected therewith, to wit: — treasury, auditing, purchasing, assessing, sinking funds, tax collection, registration of voters and city clerk.

The department of streets and highways shall include the following sub-departments and all boards and offices connected therewith, to wit: — highways and other ways,

street lighting, street watering, sewers and drains and engineering. The commissioner of streets and highways, except as is herein otherwise provided, shall have exclusively the powers of, and be subject to the liabilities and penalties imposed by law, on surveyors of highways.

The department of water works and fire protection shall include all boards and offices connected with the water supply of the city and fire protection.

The department of public property and licenses shall include the following sub-departments and all boards and offices connected therewith, to wit: — buildings, parks, public grounds, cemeteries, electrical, weights and measures and license commission.

Every official or board having to do with the affairs of the city, with the exception of such as pertain to the school committee or the city library, shall be included in one of the above five departments, and if the assignment to a department is not made hereunder, the municipal council shall by ordinance assign such office, offices, board or boards to the department best adapted to include the same.

Election of
administra-
tive officers,
etc.

SECTION 39. The municipal council shall have the power to elect the administrative officers named in section thirty-seven, and all other executive and administrative officers and boards and heads of sub-departments heretofore known or designated as heads of departments, now appointed or chosen by the mayor, whether with or without confirmation, or by the city council, or by the mayor and aldermen, or by the board of aldermen, or by the board of aldermen and common council whether by concurrence or in joint convention, and all additional executive or administrative officers and heads of sub-departments for which provision may hereafter be made by the municipal council in accordance with this act and the general laws of the commonwealth.

Powers of
the municipal
council, etc.

SECTION 40. The municipal council shall have the power under the laws regulating the civil service to suspend or remove any executive or administrative officer or head of a sub-department it has the power to appoint, for such cause as it shall deem sufficient. The municipal council shall set forth in the order of suspension or removal its reasons therefor: *provided*, that nothing contained in this section shall apply to any of the following special departments, namely, school committee, license commission, or the trustees of the public library.

Proviso.

SECTION 41. The commissioner of public safety, commissioner of finance, commissioner of streets and highways, commissioner of water works and fire protection, and commissioner of public property and licenses shall be the administrative heads of their respective departments, and, except as is otherwise provided herein, shall have the power, subject to the laws of the commonwealth, to appoint, employ, suspend, remove, or discharge all subordinate officers and employees in their respective departments, and shall make and execute all contracts necessary to the general charge and management of all matters pertaining to their respective departments, except for the purchase of material and supplies, but every contract made as aforesaid in which the amount involved exceeds fifty dollars shall be approved by the municipal council before going into effect.

Administrative heads of departments, etc.

SECTION 42. All officers, whether heretofore elected or appointed hereunder, shall, except as is otherwise provided herein, continue in office until their successors are appointed and qualified. Except as is otherwise provided herein the term of office of any officer, officers, board or boards for which provision is herein made shall not be fixed, but shall continue indefinitely, subject to the provisions of this act regarding appointments, suspensions and removals. Nothing in this act shall be so construed as to affect in any way the powers or duties of the board of park commissioners. The members of the board of park commissioners shall be elected for the term of five years as the term of office of the present incumbents shall respectively expire. The members of the license commission shall be elected for the term of six years as the term of office of the present incumbents shall respectively expire.

Tenure of office, etc.

RECORD OF EMPLOYEES.

SECTION 43. The commissioner in charge of each department shall cause to be kept in his department a record, subject to public inspection, of all persons appointed and employed therein and of all persons suspended or removed, and, in case of suspension or removal, of the grounds therefor.

Record of employees.

PROVISION FOR CHANGES.

SECTION 44. The municipal council may from time to time, subject to the provisions of this act and in accordance with general laws, establish additional offices and boards,

Additional offices and boards, etc.

Additional
offices and
boards, etc.

assign them to the proper departments, and determine the number and duties of the incumbents thereof; and for such purposes it may delegate to such offices and boards any part of the administrative powers given by this charter to the commissioners hereinbefore mentioned. The municipal council may also from time to time consolidate appointive offices and boards, separate and distribute the powers and duties of such as have already been established, increase or diminish the number of persons who shall perform the duties of any appointive office or board, or abolish any appointive office or board, subject to the provisions of this act and in accordance with general laws. The municipal council may also from time to time by ordinance passed by the affirmative vote of not less than four members change the division of the administration of the affairs of the city as made in section thirty-eight of this act, and may from time to time define anew such departments by transferring one or more sub-departments and all boards and offices connected therewith from one department to another, except that the department of public safety shall always include police, health, and poor; and the department of streets and highways shall always include highways and other ways, sewers and drains, and engineering; and the department of finance shall always include the treasury, auditing, sinking funds and tax collection.

Administra-
tive officers to
be sworn, etc.

SECTION 45. All administrative officers shall be sworn to the faithful discharge of their respective duties, and certificates of their oaths shall be made and kept in the office of the city clerk. All administrative boards and officers shall keep a record of their official transactions, and such records shall be open to public inspection.

BONDS.

Bonds.

SECTION 46. The municipal council shall require the city treasurer and collector of taxes and the purchasing agent to give bonds, with such surety or sureties as it shall deem proper for the faithful discharge of their respective duties, and may require any other municipal officer entrusted with the receipt, care, or disbursement of money to give such a bond. No city money shall be deposited in any national bank or trust company of which the treasurer of said city is an officer, director, or agent, and no part of the sinking funds of said city shall be deposited in any national bank or

trust company of which any member of the board of sinking fund commissioners is an officer, director, or agent.

SECTION 47. Every administrative board, through its chairman or a member designated by the board, and every officer in charge of a department, may appear before the municipal council, and at the request of the municipal council shall appear before it, and give information in relation to anything connected with the discharge of the duties of such board or office; and the officer who appears shall have the right to speak upon all matters under consideration relating to his department.

Officers in charge of departments to give certain information, etc.

SALARIES.

SECTION 48. The salary of the mayor shall be three thousand dollars per annum, and the salary of each of the remaining four members of the municipal council shall be twenty-five hundred dollars per annum. These salaries shall be payable in equal monthly payments.

Salaries.

SECTION 49. No member of the municipal council shall, during the term for which he was chosen, hold any other office the salary of which is payable by the city.

Certain officials not to hold other office.

SECTION 50. The municipal council shall establish by ordinance the salary or compensation of every appointive officer; but after the first municipal year succeeding the acceptance of this act no ordinance changing any such salary or compensation shall take effect until the municipal year succeeding that in which the ordinance is passed.

Salaries of appointive officers.

SCHOOLS.

SECTION 51. The management and control of the public schools of the city shall be vested in the school committee, consisting of the five members elected in accordance with the provisions of this act. Three of its members shall constitute a quorum, and its meetings shall be public. All final votes of the school committee involving the expenditure of fifty dollars or over shall be by yeas and nays and shall be entered on the records. The committee shall vote by yeas and nays when that is practicable, and on request of one member any vote shall be by yeas and nays, and shall be entered upon the records. The affirmative vote of at least three members shall be necessary for the passage of any order, resolution or vote.

Public schools.

SECTION 52. The school committee shall meet for organization on the Tuesday next after the first Monday in

Organization of school committee, etc.

January in each year, and on that day, or as soon thereafter as may be, shall elect from their members a chairman who shall, unless sooner removed, hold his office until the Tuesday next after the first Monday of the following January and until his successor is elected and qualified. In the absence of the chairman so elected, a chairman for the time being shall be chosen. The school committee shall be the judge of the election and qualifications of its members, and shall determine the rules for its proceedings, unless it is otherwise provided herein. The members of the school committee shall be sworn to the faithful discharge of their duties.

Superintendent of schools, etc.

SECTION 53. The school committee shall elect a superintendent of schools and may, under the laws regulating the civil service, appoint, suspend, or remove at pleasure such subordinate officers or assistants, including janitors of school buildings, as it may deem necessary for the proper discharge of its duties and the conduct of its business; it shall define their terms of service and their duties and shall fix their compensation. No member of the school committee shall, during the term for which he is elected, hold any other office or position the salary or compensation for which is payable out of the city treasury.

Temporary accommodations for schools, etc.

SECTION 54. The school committee, in addition to the powers and duties pertaining by law to school committees, shall have power to provide, when they are necessary, temporary accommodations for school purposes, and shall have the control of all school buildings and of the grounds connected therewith, and the power to make all repairs, the expenditures for which are made from the regular appropriation for the school department, except as is otherwise provided herein.

School committee to select sites for school buildings.

SECTION 55. No site for a school building shall be acquired by the city unless the approval of the site by the school committee is first obtained. No plans for the construction of or alterations in a school building shall be accepted, and no work shall be begun on the construction or alteration of a school building, unless the approval of the school committee therefor is first obtained. Nothing herein contained shall require such approval for the making of ordinary repairs.

VACANCIES.

SECTION 56. If there be a vacancy in the municipal council, by failure to elect or otherwise, the council shall, by its remaining members, call a special city election to fill the vacancy or vacancies for the unexpired term or terms; except that if such vacancy or vacancies occur within four calendar months prior to the annual city election, the municipal council shall, by its remaining members, fill such vacancy or vacancies, Vacancies.

(a) For the remainder of the unexpired term or terms, if such vacancy or vacancies occur within sixty days prior to such annual election; or

(b) For the remainder of the municipal year if such vacancy or vacancies occur within four calendar months but not within sixty days prior to such annual election.

At the next annual municipal election thereafter a member shall be elected by the qualified voters of the city to serve for the remainder, if any, of the unexpired term of the member whose office is vacant, provided, that such vacancy occurs within four calendar months but not within sixty days prior to the municipal election. A person elected to fill any such vacancy shall, before entering upon the duties of his office, take oath before the city clerk or a justice of the peace faithfully to perform the same.

SECTION 57. Upon the death, resignation or absence of the mayor, or upon his inability to perform the duties of his office, the president of the municipal council shall perform them, and if he also is absent, or unable from any cause to perform said duties, they shall be performed by such member of the municipal council as it may from time to time elect, until the mayor or president of the municipal council is able to attend to said duties, or until the vacancy is filled, as is hereinbefore provided. The person upon whom such duties devolve shall be called "acting mayor", and, except as is otherwise provided in this act, shall possess the powers of mayor. President of the municipal council to perform duties of mayor in a certain case.

SECTION 58. If there is a vacancy in the school committee, by failure to elect or otherwise, the mayor shall call a joint convention of the municipal council and the school committee, at which the mayor, if present, shall preside, and the vacancy shall, by vote of a majority of all the members of the two bodies, be filled by the election Vacancies in school committee.

of a member to serve for the remainder of the unexpired term, provided, such vacancy occurs within sixty days prior to the annual city election; otherwise for the remainder of the municipal year. At the next annual municipal election thereafter a member shall be elected by the qualified voters of the city, to serve for the remainder, if any, of the unexpired term of the member whose office is vacant, provided such vacancy occurs more than sixty days prior to such annual municipal election.

RECALL.

Recall.

SECTION 59. The holder of any elective office may be removed at any time by the voters qualified to vote at city elections, and the procedure to effect his removal shall be as follows:—A petition signed by a number of such voters equal to at least twenty per cent of the aggregate number of votes cast for candidates for mayor at the last preceding annual election at which a mayor was elected, demanding the election of a successor to the person sought to be removed, shall be filed in the office of the city clerk. Such petition shall contain a general statement of the grounds upon which the removal is sought. It need not be on one paper, but may consist of several distinct papers, each containing the said demand, and substantially upon the same grounds, and all papers containing the said demand and statement which, in any one day, shall be filed at the office of the city clerk, shall be deemed parts of the same petition. Every signer shall add to his signature his place of residence on the previous first day of April, giving the street and street number, if any. One signer of every such paper shall make oath upon his information and belief, before a notary public or justice of the peace, that the statements therein made are true, and that each signature to such paper is the genuine signature of the person whose name it purports to be. Within ten days after the date of the filing of such petition, the city clerk, with the assistance of the registrars of voters, shall examine the petition to ascertain whether or not it is signed by the requisite number of voters, as above prescribed, and shall attach to said petition his certificate, showing the result of his examination. If, from the city clerk's certificate the petition appears not to be signed by the requisite number of voters, it may be supplemented, within

ten days after the date of such certificate, by other papers, signed and sworn to as aforesaid, and all other papers containing a like demand and statement, and signed and sworn to as aforesaid, shall be deemed supplemental to the original petition. The city clerk shall within ten days after the expiration of the time allowed for filing the supplementary petition make a like examination of such petition, if any is filed, and shall attach thereto a new certificate, and if it appears from such new certificate that the petition is still insufficient as to the number of signers as aforesaid, it shall be returned to the person or persons filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition, as originally filed or as supplemented, shall be certified by the city clerk to be sufficient, he shall present the same to the municipal council without delay, and if the officer sought to be removed does not resign within five days thereafter, the municipal council shall call the election so demanded, and shall fix a date for holding the same, which shall be not less than forty nor more than fifty days after the date when the petition was presented by the city clerk to the municipal council. The municipal council shall make or cause to be made all arrangements for holding such election, and the same shall be held and conducted, returns thereof made, and the results thereof declared in all respects as in the case of other city elections. So far as applicable and except as otherwise herein provided, nominations hereunder shall be made without the intervention of a preliminary election by filing with the clerk, at least ten days prior to said election, a statement of candidacy accompanied by a petition signed by a number of voters equal to at least ten per cent of the aggregate number of votes cast for candidates for the office of mayor at the last preceding annual election at which a mayor was elected, which said statement of candidacy and petition shall be substantially in the form set out in section ten of this act, so far as the same is applicable, substituting the word "special" for the word "preliminary" in such statement and petition, and stating therein that such person is a candidate for election instead of nomination. The ballot for such special election shall be in substantially the following form :

OFFICIAL BALLOT.

Form of
official ballot
for special
election.

Special election for the balance of the unexpired term
of
as
For
(Vote for one only)
(Names of candidates)

Name of present incumbent
Official ballot.
Attest: (Signature)

City Clerk.

The successor of any person removed shall hold office during the unexpired term of his predecessor, subject, however, to recall.

Person
sought to
be removed
may be a
candidate,
etc.

Any person sought to be removed may be a candidate at such election, and unless he request otherwise in writing the city clerk shall place his name on the official ballots without nomination. The person receiving the highest number of votes shall be declared elected. If some person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed to be removed from office. In case a person, other than the incumbent, receiving the highest number of votes, shall fail to make oath before the city clerk or a justice of the peace, within thirty days after his election, faithfully to perform the duties of the office, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office until the end of the term which he was serving at the time of such election, unless sooner removed therefrom by new and like proceedings. The name of no candidate other than the person sought to be removed shall be printed on the official ballots to be used at such election, unless such candidates be nominated as hereinbefore provided. If a vacancy occurs in said office after the removal election has been ordered, the election shall nevertheless proceed.

INITIATIVE.

Initiative.

SECTION 60. If a petition, signed by a number of the voters of said city, qualified to vote at city elections, equal to at least twenty per cent of the aggregate number of votes

cast for the candidates for mayor at the last preceding annual city election at which a mayor was elected, and requesting the municipal council to pass any measure therein set forth or described shall be filed in the office of the city clerk, the municipal council, provided said measure to be one which it has a legal right to pass, shall, Initiative.

(a) Pass said measure without alteration, within twenty days after the attachment of the city clerk's certificate of sufficiency to such petition, or

(b) Forthwith, after the expiration of twenty days after the attachment of the said certificate of sufficiency to the petition, call a special election, unless an annual city election is to be held within ninety days after the attachment of the certificate of sufficiency; and at such special election, or annual city election, if one is so to be held, submit said measure without alteration to the voters of the city qualified as aforesaid. The date of said election shall be fixed as provided by section fifty-nine.

If, however, a petition like the above described petition, and signed by a number of qualified voters equal to at least ten per cent, but less than twenty per cent, of the aggregate number of votes cast as aforesaid, is filed as aforesaid the municipal council shall

(c) Pass the measure therein set forth or described without alteration, within twenty days after such attachment of the certificate of sufficiency, or

(d) Submit the same to the qualified voters of the city at the next annual city election.

The votes upon the said measure at an annual city election, or at a special election, shall be taken by ballot in answer to the question, "Shall the measure (stating the nature of the same) be passed?" which shall be printed on the ballots after the list of candidates, if there be any. If a majority of the qualified voters voting on the proposed measure shall vote in favor thereof, it shall thereupon become a valid and binding measure of the city, and no such measure passed as aforesaid by the municipal council, upon petition as aforesaid, or which shall be adopted as aforesaid at any such annual city election or special election shall be repealed or amended, except by the qualified voters of the city at an annual city election or special election. Any number of measures requested by petition, as aforesaid, may be voted upon at the same election, in accordance with the provisions of this section. The municipal council may submit a proposition for the repeal of any such meas-

Initiative.

ure, or for amendment thereof, to be voted upon at any succeeding annual city election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, the measure shall thereby be repealed or amended accordingly. The vote upon such repeal or amendment at the annual city election shall be taken by ballot in answer to the question, "Shall the measure (stating the nature of the same) be repealed or amended (stating the nature of the amendment)?" which shall be printed on the ballots after the list of candidates, if there be any. Whenever any such measure or proposition is required by this act to be submitted at any election as aforesaid, the city clerk shall cause the same to be published once in each of the daily newspapers published in said city; such publication to be not more than twenty nor less than five days before the submission of the measure or proposition to be voted on. Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the measure, the passage of which is requested, shall be set forth or described, and all such papers filed in any one day in the office of the city clerk shall be deemed to be parts of the same petition. Such petitions shall be signed, sworn to as to signatures, examined, re-examined, presented to the municipal council, shall have the city clerk's certificate of sufficiency or insufficiency attached thereto, and may be supplemented in the same manner as petitions filed under section fifty-nine. Any measure passed under the provisions of this section by the municipal council, or by the voters, may prescribe such penalty for its violation as the municipal council, after this act takes effect, shall have a right to affix to a like measure for a breach thereof.

REFERENDUM.

Referendum.

SECTION 61. If, during the ten days, or in case of the granting, renewal or extending of any general franchise or general right to occupy or use the streets, highways, bridges or public places in the city, if during the thirty days next following the passage of any measure by the municipal council except an order, resolution or vote for the immediate preservation of the public peace, health or safety as provided in section twenty-seven of this act, a petition, signed by a number of voters of said city qualified to vote at city elections, equal to at least fifteen per cent of the

aggregate number of votes cast for candidates for mayor at the last preceding annual city election at which a mayor was elected, and protesting against the passage of such measure, shall be filed in the office of the city clerk, such measure shall be suspended from going into operation, and it shall be the duty of the municipal council to reconsider the same, and if it is not wholly repealed, the municipal council shall submit it, as is provided in sub-division (b) of section sixty, to the qualified voters of the city, and the said measure shall not go into effect or become operative unless a majority of the voters, qualified as aforesaid, voting on the same shall vote in favor thereof. The vote upon such a measure at an annual city election or special election shall be taken by ballot in answer to the question, "Shall the measure (stating the nature of the same) take effect?" which shall be printed on the ballot after the list of candidates, if there be any. Whenever any such measure or proposition is required by this act to be submitted at any election as aforesaid, the city clerk shall cause the same to be published once in each of the daily newspapers published in said city; such publication to be not more than twenty nor less than five days before the submission of the measure or proposition to be voted on. Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the measure, the passage of which is protested, shall be set forth or described, and all such papers filed in any one day shall be deemed to be parts of the same petition. Such petitions shall be signed, sworn to as to signatures, examined, re-examined, presented to the municipal council, shall have the city clerk's certificate of sufficiency or insufficiency attached thereto, and may be supplemented in the same manner as petitions filed under section fifty-nine. Referendum.

SECTION 62. It shall not be necessary for the validity of any petition or statement provided for or required by the provisions of this act that any signer thereof add to his signature any residence other than the name of the street, and street number, if there be any, at which he resided on the previous first day of April. Validity of petition.

SECTION 63. Section two of chapter two hundred and thirty-one of the acts of the year eighteen hundred and eighty-eight entitled, "An Act to incorporate the trustees of the city library of Lowell", is hereby amended by striking out the words, "finance committee", in the seventh line, Amendments and repeal.

Amendments
and repeal.

and inserting in place thereof the words: — commissioner of finance. So much of section one of chapter one hundred and eighty-seven of the acts of the year eighteen hundred and ninety-five entitled, “An Act to place the control of the police force of the city of Lowell under the license commission of said city and to change the name of said commission”, as provides that the license commission shall be designated and known as “The Board of Police of the city of Lowell”, is hereby repealed, and said commission shall hereafter be designated and known as the license commission of the city of Lowell. Section nine of said act is hereby amended by striking out the word “mayor”, in the second line, and inserting in place thereof the words:—municipal council. Section ten of said act is hereby further amended by striking out the same, and inserting in place thereof the following:— *Section 10.* Vacancies hereafter occurring in the membership of said license commission by expiration of terms of office or otherwise shall be filled by appointment of the municipal council, or a majority thereof, voting as provided by section seven of chapter twenty-six of the Revised Laws. The members of said license commission may be removed by the municipal council or a majority thereof voting by yeas and nays, after a hearing, for malfeasance, incapacity, or neglect of duty, such removal to be subject however to review, affirmation, or revocation by the superior court as provided in section four of chapter one hundred of the Revised Laws.

Chapter four hundred and fifteen of the acts of the year eighteen hundred and ninety-six, entitled “An Act to amend the charter of the city of Lowell”, is hereby amended by striking out the second, fourth, fifth, sixth, seventh, eighth, and eleventh sections thereof; by striking out in the first sentence of the third section thereof the word “mayor”, and inserting in place thereof the words: — commissioner of the particular department for which the same are intended, or in case of the purchase of material and supplies for the school department, subject to the approval of the chairman of the school committee, — and by inserting after the word “department”, in the third line of the same sentence, the words: — who shall be known as the purchasing agent, — so that said sentence will read as follows: — There shall be a department of supplies, and all material and supplies for the city shall be purchased by the chief or head of such department, who shall be known as the purchasing agent,

subject to the approval of the commissioner of the particular department for which the same are intended, or in case of the purchase of material and supplies for the school department, subject to the approval of the chairman of the school committee, — also by striking out the last sentence of said third section; also by striking out section ten of said chapter four hundred and fifteen and inserting in place thereof the following: — *Section 10.* All bills or other claims before they are finally certified by the auditor or paid shall be approved by the municipal council, — also by striking out section twelve thereof and inserting in place thereof the following: — *Section 12.* Less than a quorum of the municipal council or of the school committee may adjourn to a fixed day earlier than the next regular meeting, and shall have power to compel the attendance of absent members in such manner as the municipal council may by ordinance provide.

Amendments
and repeal.

Chapter ninety-five of the acts of the year eighteen hundred and ninety-seven, entitled “An Act relative to the duties and powers of certain officers of the city of Lowell”, is hereby amended by striking out the third section and inserting in place thereof the following: — *Section 3.* The municipal council shall by ordinance from time to time determine what officers shall be the heads of the various sub-departments of the city government. The purchasing agent may sell or dispose of the personal property of the city upon the recommendation of the municipal council, except the products of the city farm, which the superintendent of said farm shall have the right to dispose of. Section one of chapter three hundred and forty-nine of the acts of the year nineteen hundred, entitled “An Act to increase the representation of the city of Lowell in the trustees of the Lowell Textile School Corporation”, is hereby amended by striking out the words, “the chairman of the board of aldermen, the president of the common council”, in the fourth and fifth lines, and inserting in place thereof the words: — the mayor, the president of the municipal council. Chapter three hundred and thirty-seven of the acts of the year nineteen hundred and five, entitled, “An Act to abolish the board of overseers of the poor and to create a board of charities in the city of Lowell”, is hereby amended by striking out the fourth and fifth sections thereof.

SECTION 64. The mayor, aldermen, and common councilmen and the city clerk in office when this act takes effect

Elections.

shall comply with all the requirements of this act relating to elections to the end that all things may be done necessary to the nomination and election of the officers first to be elected under the provisions of this act.

Officer removed by recall not to be appointed to other office, etc.

SECTION 65. No person who has been removed from office by recall, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office by the municipal council within one year after such removal or recall or such resignation. No person who resigns from an elective office, whether recall proceedings are pending against him at the time or not, shall be appointed to any elective office within one year after such resignation.

Repeal.

Provisos.

SECTION 66. All special acts and parts of special acts inconsistent herewith are hereby repealed, and no general act or part of a general act inconsistent herewith shall hereafter apply to the city of Lowell: *provided, however*, that this repeal shall not affect any act done, or any right accruing or accrued or established, or any suit or proceeding begun in any civil case before the time when the repeal takes effect, and that no offences committed and no penalties or forfeitures incurred under the acts or parts of acts hereby repealed shall be affected by such repeal; and *provided, also*, that all persons, who at the time when said repeal takes effect shall hold any office under said acts shall continue to hold the same, except as is otherwise provided herein, and *provided, further*, that all by-laws and ordinances of the city of Lowell in force at the time when said repeal takes effect, and not inconsistent with the provisions of this act, shall continue in force until the same are repealed or amended, and all officers elected under such by-laws and ordinances shall continue in office, except as is otherwise provided herein.

To be submitted to voters.

SECTION 67. This act shall be submitted to the qualified male voters of the city of Lowell at the state election for the current year. The vote shall be taken by ballot in accordance with the provisions of chapter five hundred and sixty of the acts of the year nineteen hundred and seven, and of acts in amendment thereof and in addition thereto, so far as the same shall be applicable, in answer to the question, "Shall an act passed by the general court in the year nineteen hundred and eleven, entitled, 'An Act to amend the charter of the city of Lowell', be accepted?" and the

Question upon ballot, etc.

affirmative votes of a majority voting thereon shall be required for its acceptance. So much of this act as authorizes its submission to the qualified voters of the city shall take effect upon its passage, but it shall not take further effect unless accepted as herein prescribed. If so accepted, this act shall take effect upon its acceptance for the annual city election to be held on the fourth Tuesday of December in the year nineteen hundred and eleven, for the preliminary election for nominations to be held under the provisions thereof on the third Tuesday preceding the aforesaid annual city election, for the statements of candidates and petitions accompanying statements of candidates to be filed by persons whose names are to be printed on the official ballots to be used at such preliminary election, for the election of political committees, and for all things which appertain and relate to said annual city election, preliminary election, statements of candidates and petitions accompanying statements of candidates, and election of political committees; and it shall take effect for all other purposes at ten o'clock in the forenoon on the first Monday of January in the year nineteen hundred and twelve.

Question upon ballot, etc.

Approved July 10, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE MASSACHUSETTS NAUTICAL TRAINING SCHOOL. *Chap. 646*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the expenses of the Massachusetts nautical training school for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Appropriations, nautical training school.

For the current expenses of the school, a sum not exceeding sixty thousand dollars.

Expenses of school.

For expenses of the commissioners, the salary of the secretary, clerical services, printing, stationery, contingent expenses, and the printing and binding of the annual report, a sum not exceeding five thousand dollars.

Expenses of commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved July 10, 1911.

Chap.647 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE SURGEON GENERAL OF THE MILITIA.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the department of the surgeon general, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Surgeon general.

For the salary of the surgeon general, twelve hundred dollars.

Medical supplies.

For medical supplies for use of the volunteer militia, and for incidental and contingent expenses of the surgeon general, including clerical services and the printing of the annual report, a sum not exceeding twenty-five hundred dollars.

Examination of recruits.

For expenses in connection with the examination of recruits for the militia, a sum not exceeding three thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved July 10, 1911.

Chap.648 AN ACT MAKING APPROPRIATIONS FOR THE SALARY AND EXPENSES OF THE COMMISSIONER OF PUBLIC RECORDS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the commissioner of public records for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Commissioner of public records.

For the salary of the commissioner, twenty-five hundred dollars.

Expenses.

For travelling, clerical and other necessary expenses of the commissioner, including the printing of the annual report, a sum not exceeding twenty-four hundred and eighty dollars.

Purchase of ink.

For the purchase of ink for public records, a sum not exceeding four hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved July 10, 1911.

AN ACT TO PROVIDE FOR THE INSTRUCTION OF NURSES, *Chap.649*
ATTENDANTS AND PATIENTS IN CERTAIN STATE INSTITU-
TIONS.

Be it enacted, etc., as follows:

SECTION 1. The trustees of the state institutions under Instruction of
nurses, etc. supervision of the state board of insanity shall cause to be given to the nurses, attendants and patients of said institutions instruction in such arts, crafts, manual training, kindergarten and other kinds of occupation as may be appropriate for the patients of the said institutions to learn, and especially for those patients who are physically unfit to do useful work about the institutions. The state board of insanity shall employ for this purpose one or more supervisors who shall acquire, by visitation or otherwise, such information as may be obtained in this state, and elsewhere, as to the best and most successful methods of giving the said instruction.

SECTION 2. In carrying out the provisions of this act Expenditure. the state board of insanity may expend annually a sum not exceeding two thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved July 10, 1911.

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE *Chap.650*
OF THE STATE INFIRMARY.

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding three hundred and Appropriation,
state infirmary. ninety-four thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the maintenance of the state infirmary, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven.

SECTION 2. This act shall take effect upon its passage.

Approved July 10, 1911.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE FIRST CON- *Chap.651*
GREGATIONAL CHURCH IN DEERFIELD TO SELL A CERTAIN
LOT OF LAND.

Be it enacted, etc., as follows:

SECTION 1. William L. Harris, Augustus Brown and Sale of
certain lot of
land in the Henry C. Wells, Trustees of the First Congregational

town of
Deerfield, etc.

Church in Deerfield, may sell and convey, for a sum not less than five thousand dollars, a certain lot of land situate in that part of Greenfield, formerly a part of Deerfield, lying west and north of Green river, and containing twenty acres, more or less, which is sequestered for the ministry of the First Congregational Church of Deerfield. The proceeds of the said sale shall be held by said trustees and their successors in office for the uses and purposes for which said lot of land is held for the ministry of the First Congregational Church of Deerfield.

SECTION 2. This act shall take effect upon its passage.

Approved July 10, 1911.

Chap. 652 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE GAS AND ELECTRIC LIGHT COMMISSIONERS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Gas and Electric Light Commissioners' Fund, for the salaries and expenses of the gas and electric light commissioners, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Gas and electric light commissioners.

For the salaries of the commissioners, fourteen thousand dollars.

Clerical assistance.

For clerical assistance, a sum not exceeding five thousand dollars.

Statistics, books, etc.

For statistics, books, stationery, and for other necessary expenses, a sum not exceeding thirty-three hundred dollars.

Rent of office.

For rent of an office, a sum not exceeding forty-two hundred dollars.

Inspection of electric meters.

For the inspection of electric meters, a sum not exceeding one thousand dollars.

Salary of inspector.

For the salary of the present gas inspector, twenty-eight hundred dollars.

First assistant.

For the salary of the present first assistant inspector, eighteen hundred dollars.

Second assistant.

For the salary of the present second assistant inspector, sixteen hundred dollars.

Deputies.

For compensation of deputies, travelling expenses, apparatus, office rent and other incidental expenses, a sum not exceeding nine thousand dollars.

For printing and binding the annual report, a sum not exceeding eighteen hundred dollars. Annual report.

SECTION 2. This act shall take effect upon its passage.

Approved July 10, 1911.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE COMMISSIONER OF WEIGHTS AND MEASURES. Chap. 653

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for salaries and expenses of the commissioner of weights and measures for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: — Appropriations.

For the salary of the commissioner, two thousand dollars. Commissioner of weights and measures.

For the salaries of inspectors, six thousand dollars. Inspectors.

For clerical services, travel and contingent office expenses, a sum not exceeding seventy-four hundred and eighty dollars. Clerical services.

SECTION 2. This act shall take effect upon its passage.

Approved July 10, 1911.

AN ACT TO AUTHORIZE THE TOWN OF AMHERST TO REFUND CERTAIN NOTES. Chap. 654

Be it enacted, etc., as follows:

SECTION 1. For the purpose of paying certain outstanding notes amounting to sixteen thousand dollars, the town of Amherst is hereby authorized to borrow the said sum and to issue notes or bonds therefor. Such notes or bonds shall be for sixteen hundred dollars each, payable one each year in the years nineteen hundred and twelve to nineteen hundred and twenty-one, both inclusive. The notes or bonds shall be signed by the treasurer and countersigned by the selectmen, or by a majority thereof, and shall bear interest not exceeding four and one half per cent per annum. The money required to pay the interest on said notes or bonds in each year, and that part of the principal which becomes due in that year, shall be raised by taxation in the The town of Amherst may refund certain notes.

same manner in which the other expenses of the town are provided for.

SECTION 2. This act shall take effect upon its passage.

Approved July 10, 1911.

Chap. 655 AN ACT RELATIVE TO THE PROTECTION OF THE PUBLIC HEALTH
IN THE VALLEY OF THE NEPONSET RIVER.

Be it enacted, etc., as follows:

Protection
of the public
health in the
valley of the
Neponset
river.

SECTION 1. The state board of health is hereby authorized and directed to expend a sum not exceeding one hundred and fifty thousand dollars, exclusive of damages to land, easements and rights in land, in constructing necessary drains, trenches and ditches, and in dredging and deepening the channel of the Neponset river between the place where the river is crossed by Washington street in Walpole and tide water, and within said limits to make changes and alterations in any bridge, dam or other structure over, under or across said waters, and to do any other work, except as hereinafter stated, which will tend to restore the lands along said river to their original condition, and to abate malaria and other peril to the public health.

Manner in
which work
shall be done.

The work herein provided for shall be done substantially in accordance with the plan set forth in the report made by the state board of health to the legislature at the session of eighteen hundred and ninety-seven; and it shall extend over three years, commencing in the year nineteen hundred and eleven, and one third of said work, as nearly as may be, shall be done each year.

Prescriptive
right not
to be gained.

SECTION 2. If any person or corporation shall obtain an additional water power or water supply in consequence of the doing of the work herein contemplated, such person or corporation shall not gain any prescriptive right to the use of such additional water power or water supply, or be entitled to any compensation therefor if such additional water power or water supply shall hereafter be taken for public use; and no person or corporation, in the event of any subsequent taking of any water power or water supply, or the removal of any dam or flashboards, or the reducing or lowering of the height of any dam, or changing the dimensions thereof, within the limits aforesaid, shall be entitled to any compensation for such additional water power or water supply; and no person or corporation shall be allowed hereafter compensation for any increased value to his or

its land or property, in case the said land or other property shall be taken for public use, if the increased value was derived directly from the work done under this act.

SECTION 3. The said board may take in the name of the commonwealth, or acquire by purchase or otherwise, and hold all lands, easements and rights in land that may be necessary to effect the object intended by this act. Within thirty days after the taking of any land, easements, or rights in land, the board shall cause to be recorded in the registry of deeds for the county of Norfolk a certificate thereof sufficiently accurate for identification; and thereupon title to the same shall vest in the commonwealth.

Taking and holding of lands, etc.

SECTION 4. The said board shall make return to the treasurer of the commonwealth, and to the assessors of the towns hereinafter named, of the number of acres of land benefited by the work done, or changes made under this act. The return to the assessors shall also contain the names of the owners or occupants of the land benefited, so far as they can be ascertained, and the number of acres belonging to or occupied by said owners or occupants; but the return to the assessors of any town need only contain the number of acres and the names of the owners or occupants of said land in that town.

Return.

SECTION 5. The total expense incurred under this act shall, in the first instance, be paid by the commonwealth; but after the completion of the work, the towns and the city hereinafter named shall repay to the commonwealth one half of said expense.

Payment of expense.

SECTION 6. The supreme judicial court sitting in equity shall, upon application of the said board and after such notice as it may order, appoint three commissioners who shall, after due notice and hearing, and in such manner as they shall deem just and equitable, determine what proportion of one half of the total expense incurred under this act shall be paid by the towns of Sharon, Stoughton, Walpole, Norwood, Canton, Westwood, Dedham, Hyde Park and Milton, and the city of Boston, respectively, and shall return their award into said court, and when the same has been accepted by the court it shall be a final adjudication of all matters referred to said commissioners, and shall be binding on all parties; and in like manner said commissioners shall determine and file their award as to the payment of the cost of maintenance of the channels of the Neponset river and the works or structures taken

Appointment of commissioners, etc.

or otherwise acquired in connection therewith, and determine the proportion in which said towns and city, or any of them, shall bear the same. The sum thus ascertained to be due from each of said towns and from said city to the commonwealth shall be paid in ten annual installments, and each installment shall annually be added to and collected as a part of the state tax.

Apportion-
ment of
expense.

SECTION 7. The assessors of each of said towns and of said city shall annually divide and apportion the sum which their respective municipalities are required to pay upon the land benefited as hereinbefore provided, during each of the said ten years, in proportion to the benefit received, but no apportionment shall be made that exceeds the special benefit received by the estate assessed; and the said apportionment shall be added to the tax assessed upon said lands, and shall constitute a lien thereon to the same extent and for the same time that taxes assessed are now a lien upon land assessed; and the payment thereof shall be enforced in the manner provided by law for the collection of ordinary taxes. Any land, the owners or occupants of which appear by the board's return to be unknown, if the owners or occupants are unknown to the assessors in the town or city where said land is situated, shall be taxed to unknown owners, and shall be a valid tax for the non-payment of which the land may be sold in the same manner that land may now be sold for the non-payment of taxes. Any person or corporation assessed for taxes under this act may apply for an abatement thereof, and shall have the rights and be subject to the liabilities pertaining to persons and corporations taxed under the laws of the commonwealth.

Liability for
damages.

SECTION 8. The commonwealth shall be liable for all damages to property sustained by any person or corporation by the taking of any land, easements or rights in land under authority hereof, and any such person or corporation failing to agree with said board as to the amount of damages sustained may have the same determined in the manner established by law in the case of land taken for the laying out of highways: *provided*, that application therefor is made within two years after the taking or the doing of any other act herein authorized. When a certificate is filed as herein provided the said board shall, within ten days thereafter, notify by mail any owners or occupants so far as they are known to said board, of property taken or affected by the

Proviso.

act of said board, and shall keep a record of such notification, which record shall be conclusive of the fact. The certificate herein mentioned shall be signed by the chairman of the state board of health.

SECTION 9. To meet that part of the expenses incurred under this act which is not hereinbefore provided for, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding seventy-five thousand dollars, as an addition to the amounts already authorized under the provisions of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and acts in addition thereto and in amendment thereof, and as a part of the metropolitan parks loan, and subject to the provisions thereof. Such scrip or certificates of indebtedness shall be issued as registered bonds, payable in not more than twenty years from the dates of issue, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of January and July of each year.

Treasurer and receiver general to issue scrip, etc.

SECTION 10. The sum of five thousand dollars is hereby appropriated for damages arising under this act, caused by the taking of land, easements or rights in land.

Payment of damages.

SECTION 11. Nothing herein contained shall be construed to affect the provisions of chapter five hundred and forty-one of the acts of the year nineteen hundred and two, or the provisions of chapter three hundred and sixty of the acts of the year nineteen hundred and six.

Provisions of certain acts not affected.

SECTION 12. This act shall take effect upon its passage.

Approved July 11, 1911.

AN ACT RELATIVE TO LICENSING OPERATORS OF HOISTING MACHINERY WHEN THE MOTIVE POWER IS MECHANICAL AND OTHER THAN STEAM.

Chap. 656

Be it enacted, etc., as follows:

SECTION 1. No person shall operate derricks, cableways, machinery used for discharging cargoes, temporary elevator cars used on excavation work or used for hoisting building material, when the motive power to operate such machinery is mechanical and other than steam, unless he holds a license as hereinafter provided. The owner or user of hoisting machinery specified in this section shall not operate, or

Licensing of operators of hoisting machinery, etc.

cause to be operated, such machinery for a period of more than one week, unless the person operating it is duly licensed.

Operation of
machinery.

SECTION 2. The owner of hoisting machinery specified in this act shall not operate or cause to be operated according to the provisions of this act such hoisting machinery for a period of more than one week, unless the person in charge of and operating such hoisting machinery is duly licensed.

State in-
spectors of
boilers to
issue licenses,
etc.

SECTION 3. Whoever desires to act as operator of hoisting machinery, as specified in section one of this act, shall apply for a license therefor to the state inspector of boilers for the city or town in which he resides or is employed, upon blanks to be furnished by the boiler inspection department of the district police. The application shall be accompanied by a fee of one dollar, and shall show the total experience of the applicant in operating hoisting machinery. The applicant shall make oath to the statements contained in his application, and the members of the boiler inspection department of the district police are hereby authorized to administer said oath. Wilful falsification in the matter of statements contained in an application shall be deemed sufficient cause for the revocation of said license at any time. The applicant shall be given a practical examination by a member of the boiler inspection department of the district police, and, if found competent and trustworthy, he shall receive a license to operate hoisting machinery, as specified in section one of this act. The applicant shall have the privilege of having one person present during his examination, who shall take no part in the same, but who may take notes if he so desires. A period of ninety days shall elapse between examinations, except in the case of an appeal as hereinafter provided. A license shall continue in force until it is suspended or revoked for the incompetence or untrustworthiness of the licensee. If a license is lost, or is destroyed by fire or other means, a new license shall be issued in its place, without re-examination of the licensee, upon satisfactory proof to an examiner of such loss or destruction.

Appeal.

SECTION 4. A person who is aggrieved by the action of an examiner in refusing, suspending or revoking a license, may appeal therefrom to the chief inspector of the boiler inspection department of the district police, who shall appoint three members of the boiler inspection department to act together as a board of appeal, one of whom may be said chief inspector. If appeal is taken, it must be within one week after the decision of the examiner. The appellant

shall have the privilege of having one person present during the hearing of his appeal, who shall take no part in the same, but who may take notes if he so desires. The decision of the majority of such examiners, acting as a board of appeal, shall be final.

SECTION 5. An operator's license, granted under the provisions of this act, shall be carried on the person of the holder thereof when operating hoisting machinery as specified in section one of this act.

License to be carried on the person of the holder.

SECTION 6. The boiler inspection department of the district police shall act as examiners and enforce the provisions of this act; and whoever violates any of the provisions of this act shall be punished by a fine of not less than ten nor more than three hundred dollars, or by imprisonment for not more than three months. A trial justice shall have jurisdiction of complaints for violations of the provisions of this act, and in such cases may impose a fine of not more than fifty dollars. All members of the boiler inspection department of the district police shall have authority, in the pursuance of their duty, to enter any premises having thereon hoisting machinery, as specified in section one of this act; and any person who hinders or prevents, or attempts to prevent, any state boiler inspector from so entering, shall be liable to the penalty specified in this section.

Examiners.

SECTION 7. This act shall take effect on the first day of September in the year nineteen hundred and eleven.

Time of taking effect.

Approved July 11, 1911.

AN ACT TO AUTHORIZE THE FIRE DISTRICT IN THE TOWN OF LEE TO INCUR INDEBTEDNESS TO BUILD A NEW FIRE ENGINE HOUSE. Chap. 657

Be it enacted, etc., as follows:

SECTION 1. The fire district in the town of Lee, for the purpose of constructing a new fire engine house in said district and of paying the necessary expenses connected therewith, may issue from time to time notes or bonds of the district to an amount not exceeding twelve thousand dollars. Such notes or bonds shall bear on their face the words, Lee Fire District Engine House Loan, Act of 1911; shall be payable within twelve years from the dates of issue, one thousand dollars to be payable each year; shall bear interest, payable semi-annually, at a rate not exceeding four and one half per cent per annum; and shall be

Lee Fire District Engine House Loan, Act of 1911.

signed by the treasurer of the district and countersigned by the prudential committee or a majority thereof. Said district may sell the said securities at public or private sale, upon such terms and conditions as it may deem proper; but they shall not be sold for less than their par value.

Payment of
loan.

SECTION 2. The said fire district, at the time of authorizing the said loan, shall provide for the payment thereof so as to extinguish the same within the time prescribed herein; and a sum which will be sufficient to pay the interest as it accrues on the notes or bonds issued as aforesaid, and to make such payments on the principal as may be required under the provisions of this act, shall, without further vote, be assessed by the assessors of the town of Lee and collected each year in the same manner in which other taxes are assessed and collected, under the provisions of section sixty-three of chapter thirty-two of the Revised Laws, until the debt incurred by the said loan is extinguished.

SECTION 3. This act shall take effect upon its passage.

Approved July 12, 1911.

Chap.658 AN ACT TO AUTHORIZE THE MIDDLEBOROUGH FIRE DISTRICT TO SUPPLY THE INHABITANTS OF FALL BROOK VILLAGE IN THE TOWN OF MIDDLEBOROUGH WITH WATER.

Be it enacted, etc., as follows:

Water supply
for Fall
Brook Village
in Middlebor-
ough.

SECTION 1. The Middleborough Fire District, incorporated by chapter fifty-nine of the acts of the year eighteen hundred and eighty-four, is hereby authorized to supply the inhabitants of Fall Brook village in the said town, living in Wareham street, between Wood street and Fall Brook, so-called, and in Cherry street, between Sachem street and Grove street, with water for domestic purposes and for the extinguishment of fires. The provisions of said chapter fifty-nine, so far as they may be applicable, shall apply to the proceedings of the said fire district under authority hereof.

SECTION 2. This act shall take effect upon its passage.

Approved July 12, 1911.

Chap.659 AN ACT MAKING AN APPROPRIATION FOR THE CARE AND MAINTENANCE OF THE NANTASKET BEACH RESERVATION BY THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows:

Appropriation
for the
Nantasket

SECTION 1. The sum of twenty-six thousand five hundred dollars is hereby appropriated, to be paid out of the

Metropolitan Park System, Nantasket, Maintenance Fund, beach reservation.
for the care and maintenance of the Nantasket beach by the metropolitan park commission during the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, this amount to be reimbursed to the commonwealth by the cities and towns in the metropolitan district in accordance with the provisions of chapter four hundred and sixty-four of the acts of the year eighteen hundred and ninety-nine.

SECTION 2. This act shall take effect upon its passage.

Approved July 12, 1911.

AN ACT MAKING AN APPROPRIATION FOR THE CARE AND MAINTENANCE OF BOULEVARDS AND PARKWAYS IN CHARGE OF THE METROPOLITAN PARK COMMISSION. *Chap. 660*

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding one hundred eighty-nine thousand four hundred and eighty-three dollars is hereby appropriated, for the care and maintenance of boulevards and parkways in charge of the metropolitan park commission during the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, one half of this amount to be paid out of the current revenue, and the other half to be assessed upon the metropolitan district, as authorized by chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine. Appropriation for the care of boulevards and parkways.

SECTION 2. This act shall take effect upon its passage.

Approved July 12, 1911.

AN ACT MAKING AN APPROPRIATION FOR THE CARE OF RESERVATIONS UNDER THE CONTROL OF THE METROPOLITAN PARK COMMISSION. *Chap. 661*

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding three hundred forty-five thousand five hundred ninety-seven dollars and ninety-six cents is hereby appropriated, to be paid out of the Metropolitan Parks Maintenance Fund, for the maintenance of reservations by the metropolitan park commission during the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, as authorized by chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine. Appropriation for the care of reservations.

SECTION 2. This act shall take effect upon its passage.

Approved July 12, 1911.

Chap.662 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE
OF THE MASSACHUSETTS HOSPITAL SCHOOL.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid for the maintenance of the Massachusetts hospital school for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Massachusetts hospital school.

From the receipts of said school now in the treasury of the commonwealth, the sum of twenty-four thousand three hundred eighty dollars and fifty-one cents; and from the treasury of the commonwealth from the ordinary revenue, a sum not exceeding thirty-eight thousand two hundred nineteen dollars and forty-nine cents.

SECTION 2. This act shall take effect upon its passage.

Approved July 12, 1911.

Chap.663 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE ADJUTANT GENERAL, AND FOR SUNDRY MILITARY EXPENSES.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for salaries and expenses in the department of the adjutant general, and for sundry military expenses, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Adjutant general.

For the salary of the adjutant general, thirty-six hundred dollars.

Assistant adjutant general.

For the salary of the assistant adjutant general, eighteen hundred dollars.

Clerks.

For the salaries of four clerks in his department, seven thousand dollars.

Messenger.

For the salary of a messenger in his department, eight hundred dollars.

Clerical assistance.

For additional clerical assistance, a sum not exceeding sixty-six hundred and forty dollars.

Incidental expenses.

For incidental and contingent office expenses, including the printing and binding of the annual report, a sum not exceeding six thousand dollars.

Military accounts.

For expenses in connection with military accounts not otherwise provided for, a sum not exceeding six thousand dollars.

For compensation of officers and men of the volunteer militia, a sum not exceeding one hundred and sixty-seven thousand dollars. Compensation of the militia.

For the transportation of officers and men of the volunteer militia, when on military duty, a sum not exceeding twenty-five thousand dollars. Transportation of officers.

For expenses in connection with the rifle practice of the militia, a sum not exceeding twenty-five thousand five hundred dollars. Rifle practice.

For an allowance to commissioned officers of the volunteer militia toward the purchase of uniforms, a sum not exceeding eighteen thousand dollars. Purchase of uniforms.

For allowance to officers of the volunteer militia for the care and responsibility of property, a sum not exceeding sixty-one hundred and fifty dollars. Care of military property.

For allowance and repair of clothing of the volunteer militia, a sum not exceeding thirteen thousand four hundred and forty-four dollars. Clothing.

For allowance to headquarters and companies, a sum not exceeding thirty-eight hundred and thirty dollars. Headquarters, etc.

For services of company armorers, a sum not exceeding twelve thousand five hundred dollars. Company armorers.

For furnishing, repair and care of any United States ship loaned to the commonwealth for the use of the naval militia, a sum not exceeding eleven thousand five hundred dollars. Ship used by the naval militia.

For giving instruction in riding to non-commissioned officers and others who are required by law to be mounted, a sum not exceeding six thousand dollars. Instruction in riding.

For instruction in military authority, organization and administration and in the elements of military art, a sum not exceeding four thousand dollars. Instruction in military authority.

For the payment of claims for the death of, or injuries to, horses used by the militia, a sum not exceeding twenty-five hundred dollars. Claims for death of horses.

SECTION 2. This act shall take effect upon its passage.

Approved July 12, 1911.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE LAND COURT. Chap. 664

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the court of land registra- Appropriation, land court.

tion, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Judge. For the salary of the judge of the court, six thousand dollars.

Associate judge. For the salary of the associate judge of the court, six thousand dollars.

Recorder. For the salary of the recorder of the court, forty-five hundred dollars.

Clerical assistance. For clerical assistance in the office of the court, a sum not exceeding eighty-five hundred dollars.

Sheriffs' fees, etc. For sheriffs' fees, advertising, surveying, examination of titles and sundry incidental expenses of the court, a sum not exceeding twenty-eight thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved July 12, 1911.

Chap.665 AN ACT TO AUTHORIZE THE MIDDLEBOROUGH FIRE DISTRICT TO SUPPLY THE INHABITANTS OF WARRENTOWN VILLAGE IN THE TOWN OF MIDDLEBOROUGH WITH WATER.

Be it enacted, etc., as follows:

Water supply
for Warren-
town Village in
Middleborough.

SECTION 1. The Middleborough Fire District, incorporated by chapter fifty-nine of the acts of the year eighteen hundred and eighty-four, is hereby authorized to supply the inhabitants of Warrentown village, in said town, living on Nemasket street, between the Nemasket river and Plymouth street, on Plymouth street, from Nemasket street northerly to the Nemasket river, and on Summer street, from its junction with Plymouth street, northerly a distance of one half a mile, with water for domestic purposes and for the extinguishment of fires. The provisions of said chapter fifty-nine, so far as they may be applicable, shall apply to the proceedings of the said fire district under authority hereof.

SECTION 2. This act shall take effect upon its passage.

Approved July 12, 1911.

Chap.666 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF PLYMOUTH TO EXPEND CERTAIN SUMS IN COMPLETING AND FURNISHING CERTAIN BUILDINGS IN THE TOWN OF PLYMOUTH.

Be it enacted, etc., as follows:

Completing
and furnishing
certain

SECTION 1. For the purpose of completing and furnishing the jail and house of correction and other buildings

mentioned in section one of chapter one hundred and ninety-nine of the acts of the year nineteen hundred and ten, the county commissioners of the county of Plymouth are hereby authorized to expend, to an amount not exceeding fifteen thousand dollars, the sums received by them from the sale of land and buildings belonging to the county in the said town.

buildings for
the county of
Plymouth.

SECTION 2. So much of section two of the said chapter one hundred and ninety-nine as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved July 12, 1911.

AN ACT RELATIVE TO THE DISTRIBUTION OF THE BLUE BOOK. *Chap.667*

Be it enacted, etc., as follows:

At the beginning of each session of the general court the secretary of the commonwealth shall furnish each member of the senate and house of representatives with a copy of the blue book; and for this purpose the annual edition of the blue book shall be increased by three hundred copies.

Distribution
of the blue
book.

Approved July 12, 1911.

AN ACT TO ESTABLISH MINIMUM SALARIES OF JUDGES AND REGISTERS OF PROBATE AND INSOLVENCY. *Chap.668*

Be it enacted, etc., as follows:

The minimum annual salaries of the judge and register of probate and insolvency for any county other than Dukes County and Nantucket shall be eighteen hundred dollars for the judge and sixteen hundred dollars for the register, to be so allowed from the first day of January in the year nineteen hundred and eleven.

Salaries of
judges and
registers of
probate, etc.

(This bill, returned by the governor to the house of representatives, the branch in which it originated, with his objections thereto, was passed by the house of representatives July 12, and, in concurrence, by the senate July 12, the objections of the governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law".)

AN ACT RELATIVE TO LEGAL SETTLEMENTS.

Chap.669

Be it enacted, etc., as follows:

SECTION 1. Legal settlements may be acquired in any city or town in the following manner and not otherwise: —

Acquirement
of legal
settlements.

Acquirement
of legal
settlements.

First, Any man or woman, including a married woman whose husband has no settlement within the commonwealth, of the age of twenty-one years, who hereafter resides in any city or town within this commonwealth for five consecutive years, shall thereby acquire a settlement in such place.

Second, A married woman shall follow and have the settlement of her husband if he has any within the commonwealth; otherwise, she shall retain her own at the time of marriage if she then had any.

Third, Legitimate children shall follow and have the settlement of their father if he has any within the commonwealth; otherwise, they shall follow and have the settlement of their mother if she has any; if the father dies during the minority of his children they shall thereafter follow and have the settlement of their mother; in the event of the divorce of the parents the minor children shall follow and have the settlement of the parent to whom the court awards the custody of said minor children.

Fourth, Illegitimate children shall follow and have the settlement of their mother if she has any within the commonwealth.

Fifth, A person who enlisted and was mustered into the military or naval service of the United States, as a part of the quota of a city or town in this commonwealth under any call of the president of the United States during the war of the rebellion, or who was assigned as a part of the quota thereof after having enlisted and been mustered into said service, and who served for not less than one year, or who died or became disabled from wounds or disease received or contracted while engaged in such service, or while a prisoner of the enemy, and his wife or widow and minor children shall be deemed thereby to have acquired a settlement in such place; and any person who would otherwise be entitled to a settlement under this clause, but who was not a part of the quota of any city or town, shall, if he served as a part of the quota of the commonwealth, be deemed to have acquired a settlement in the place where he actually resided at the time of his enlistment. But these provisions shall not apply to any person who enlisted and received a bounty for such enlistment in more than one place unless the second enlistment was made after an honorable discharge from the first term of service, nor to any person who has been proved guilty of wilful desertion,

or who left the service otherwise than by reason of disability or an honorable discharge.

Acquirement
of legal
settlements.

Sixth, Upon the division of a city or town, every person having a legal settlement therein, but being absent at the time of such division, and not having acquired a legal settlement elsewhere, shall have his legal settlement in the city or town containing the last dwelling place or home which he had in the city or town so divided; and, if a new city or town, composed of a part of one or more other cities or towns, is incorporated, every person legally settled in any of the places of which such new city or town is so composed, and who actually dwells and has his home within the bounds of such new city or town at the time of its incorporation, and any person duly qualified as provided in the fifth clause of this section, who, at the time of his enlistment, dwelt and had his home within such bounds, shall thereby acquire a legal settlement in such new city or town; but no person residing in that part of a city or town which upon such division is incorporated into a new city or town, and who then has no legal settlement therein, shall acquire any by force of the incorporation only; nor shall such incorporation prevent his acquiring a settlement therein within the time and by the means by which he would have gained it there if no such division had been made.

SECTION 2. No person shall acquire a settlement, or be in process of acquiring a settlement, while receiving relief as a pauper, unless, within two years after the time of receiving such relief, he tenders reimbursement of the cost thereof to the commonwealth, or to the city or town furnishing the same.

Persons
receiving
relief as
paupers not
to acquire
settlement,
unless, etc.

SECTION 3. No person who actually supports himself and his family shall be deemed to be a pauper by reason of the commitment of his wife, child or other relative to an insane hospital or other institution of charity, reform or correction by order of a court or magistrate, and of his inability to maintain the wife, child or relative therein.

Certain
persons not
to be deemed
paupers.

SECTION 4. A person who, after the passage of this act, is absent for five consecutive years from the city or town in which he had a settlement shall thereby lose his settlement. But the time during which a person shall have been an inmate of any public hospital, public sanatorium, almshouse, jail, prison, or other public institution, within the commonwealth, or of a soldiers' or sailors' home whether within or without the commonwealth, shall not be counted

Loss of
settlement.

in computing the time either for acquiring or for losing a settlement, except as provided in section two.

Existing settlements to continue in force until, etc.

SECTION 5. All existing settlements shall continue in force until changed or defeated by the provisions of this act, and no person who has begun to acquire a settlement by the laws in force at and before the time when this act takes effect, in any of the ways in which any period of time is prescribed for a residence or for the continuance or succession of any other act, shall be prevented or delayed by the provisions hereof, but he shall acquire a settlement by a continuance or succession of the same residence or other act, in the same time and manner as if the former laws had continued in force.

A settlement not fully acquired to be defeated by this act.

SECTION 6. Any settlement which was not fully acquired subsequent to the first day of May in the year eighteen hundred and sixty is hereby defeated and lost, unless such settlement prevented a subsequent acquisition of settlement in the same place; but if a settlement acquired by marriage is so defeated, the former settlement of the wife, if not also so defeated, shall be revived.

Repeal.

SECTION 7. Chapter eighty of the Revised Laws is hereby repealed.

Approved July 13, 1911.

Chap. 670 AN ACT RELATIVE TO THE INCREASE OF THE HEADQUARTERS STAFF AND ENGINEER DIVISION OF THE NAVAL BRIGADE OF THE MILITIA.

Be it enacted, etc., as follows:

1908, 604, § 22, amended.

SECTION 1. Section twenty-two of chapter six hundred and four of the acts of the year nineteen hundred and eight is hereby amended by striking out the word "division", in the second and third lines, and inserting in place thereof the words: — battalion of two divisions, — by striking out the words "who shall be chief of", in the tenth and eleventh lines, and inserting in place thereof the word: — commanding, — by striking out the word "two", in the twelfth line, and inserting in place thereof the word: — three, — by inserting after the words "staff of infantry", in the thirty-fifth line, the words: — There shall also be attached to the headquarters of the naval brigade twelve enlisted men of the commissary and messmen branches with such ratings as the commander-in-chief may prescribe. The brigade commander shall be the recruiting officer for these men as for petty staff officers, — by striking out the word "the",

in the sixty-third line, and inserting in place thereof the word: — an, — and by striking out the words “fifty-six and the minimum forty-one”, in the sixty-ninth and seventieth lines, and inserting in place thereof the words: — eighty and the minimum fifty-five, — so as to read as follows: —

Section 22. The naval brigade shall consist of two battalions of four companies each, and an engineer battalion of two divisions. The commander-in-chief may authorize the formation of not more than four additional companies, either as separate companies, or in either or both of the battalions thereof, or as a separate battalion, and may order the election of such additional officers as may thereby be rendered necessary. He may at any time disband any of said companies, the services of which are not required. The officers of the naval brigade shall be one captain, commanding brigade, with rank and pay corresponding to those of a colonel of infantry; three lieutenant commanders, who shall be chiefs of battalion, with rank and pay corresponding to those of a major of infantry; a staff, consisting of a surgeon, a brigade adjutant, an ordnance officer, who shall act as inspector of small arms practice, an equipment officer, a paymaster, who shall be the mustering officer for the brigade, a signal officer and an assistant surgeon. The commander-in-chief may appoint and commission an assistant paymaster and two additional assistant surgeons. The surgeon shall be a lieutenant commander, with rank and pay corresponding to those of a major of infantry. The other staff officers, except the signal officer, shall have the rank of lieutenants, with rank and pay corresponding to those of captains of infantry. The signal officer shall have the rank of lieutenant, junior grade, with rank and pay corresponding to those of first lieutenants of infantry. The following petty officers shall also be attached to the brigade staff: one master-at-arms, who shall be the chief petty officer of the brigade, and who shall have rank and pay corresponding to those of a sergeant major of infantry; one equipment yeoman, two paymaster's yeomen, one hospital steward, one chief bugler and one drum major, all with rank and pay corresponding to those of the non-commissioned staff of infantry. There shall also be attached to the headquarters of the naval brigade twelve enlisted men of the commissary and messmen branches with such ratings as the commander-in-chief may prescribe. The brigade commander shall be the recruiting officer for these men as for

Naval brigade,
etc.

Naval brigade,
etc.

petty staff officers. To each company of the naval brigade there shall be one lieutenant, who shall be chief of company, one lieutenant, junior grade, and one ensign, with rank and pay corresponding to those of captains and first and second lieutenants of infantry, respectively. The petty officers and seamen of each company of the naval brigade shall be one chief petty officer, with rank and pay of sergeant major, not more than six petty officers, first class, with rank and pay of first sergeants, not more than twelve petty officers, first and second class, the petty officers, second class, to have the rank and pay of sergeants, and not more than fifteen petty officers, first, second and third class, combined; petty officers, third class, to have rank and pay of corporals; the ratings to correspond with those of the United States navy, and to be confined to the boatswain's mate service, gunner's mate service, quartermaster's service, with the exception that one master-at-arms and one yeoman for each company may be appointed at the discretion of the company commander. There shall also be a hospital apprentice, who, with one bugler and one cook, first class, shall be in addition to the above, and shall rank as seamen. The total enlisted strength of a company shall be fifty-six and the minimum forty-one. In appointing petty officers of the different ratings in the classes above provided for, there shall be not less than five in the boatswain's mate service, including coxswains; not less than two in the quartermaster's service; not less than two in the gunner's mate service.

An engineer division shall consist of one lieutenant, who shall be chief of division, one lieutenant, junior grade, and one ensign, with rank and pay corresponding to those of company officers of corresponding grade in the naval brigade; and of such petty officers and other enlisted men as the commander-in-chief may prescribe.

The total enlisted strength shall be eighty and the minimum fifty-five.

The engineer division shall be a company, subject to all the provisions of this act applying to companies.

The enlisted men in the engineer's division shall fulfil the requirements for enlistment in the volunteer militia, and shall be mechanics, steam fitters, steam engineers, or firemen of such experience as will fit them for their several ratings.

The seamen shall receive the same pay as enlisted men in companies of infantry. The duty of the naval brigade may be performed afloat.

SECTION 2. This act shall take effect upon its passage.

Approved July 13, 1911.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE QUARTERMASTER GENERAL OF THE MILITIA AND FOR SUNDRY ARMORY EXPENSES. *Chap. 671*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the quartermaster general's department for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit:—

For the salary of the quartermaster general, a sum not exceeding twelve hundred dollars. Appropriations.
Quartermaster general.

For the salary of the superintendent of armories, eighteen hundred dollars. Superintendent of armories.

For the salaries of the clerks, seventy-seven hundred dollars. Clerks.

For incidental and contingent expenses, a sum not exceeding six thousand dollars. Expenses.

For quartermasters' supplies, a sum not exceeding twelve thousand dollars. Quartermasters' supplies.

For maintenance of armories of the first class, a sum not exceeding ninety-five thousand dollars. Armories, first class.

For the salaries of armorers of the first class, a sum not exceeding thirty-four thousand dollars. Armorsers.

For rent and maintenance of armories of the second class, a sum not exceeding eleven thousand seven hundred and fifty dollars. Armories, second class.

For rent and maintenance of armories of the third class, a sum not exceeding seventy-six hundred and fifty dollars. Armories, third class.

For allowance to the three batteries of artillery of the volunteer militia, twenty-four hundred dollars. Batteries of artillery.

For care and maintenance of the camp ground and buildings at Framingham, a sum not exceeding four thousand dollars. Camp ground.

SECTION 2. This act shall take effect upon its passage.

Approved July 13, 1911.

Chap.672 AN ACT MAKING APPROPRIATIONS FOR THE SALARY AND EXPENSES OF THE STATE FORESTER.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the state forester's department, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

State forester.

For the salary of the state forester, five thousand dollars.

Clerical assistance.

For clerical assistance and incidental and contingent expenses, a sum not exceeding ten thousand dollars.

Purchase of land.

For the purchase of land for reforestation, ten thousand dollars.

Forest fires.

For expenses in connection with protection against forest fires, a sum not exceeding five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved July 13, 1911.

Chap.673 AN ACT RELATIVE TO RETIRING AND PENSIONING PRISON OFFICERS AND INSTRUCTORS.

Be it enacted, etc., as follows:

1908, 601, § 1, amended.

SECTION 1. Section one of chapter six hundred and one of the acts of the year nineteen hundred and eight is hereby amended by inserting after the word "correction", in the sixth line, the words: — or any person employed to instruct the prisoners in any prison or reformatory, as provided in section forty-four of chapter two hundred and twenty-five of the Revised Laws, who began employment as such officer or instructor on or before June seventh, nineteen hundred and eleven, — and by adding at the end of said section the words: — and *provided* that no such officer or instructor shall be retired unless he began employment as such officer or instructor on or before June seventh, nineteen hundred and eleven, — so as to read as follows: — *Section 1.* The prison commissioners may, with the approval of the governor and council, retire from active prison service and place upon a pension roll, any officer of the state prison, or of the Massachusetts reformatory, or of the state farm, or of the reformatory prison for women, or of any jail or house of correction, or any

The prison commissioners may retire and pension certain officers, etc.

person employed to instruct the prisoners in any prison or reformatory, as provided in section forty-four of chapter two hundred and twenty-five of the Revised Laws, who began employment as such officer or instructor on or before June seventh, nineteen hundred and eleven, who has attained the age of sixty-five years or over, and who has been employed in prison service in Massachusetts, with a good record for not less than twenty years; or who, without fault of his own, has become permanently disabled by injuries sustained in the performance of his duty; or who has performed faithful prison service for not less than thirty years: *provided, however*, that no officer of the state farm shall so be retired except upon the recommendation of the trustees of that institution; and *provided, further*, that no officer of any jail or house of correction shall so be retired except upon the recommendation of the sheriff and county commissioners of the county, except in the county of Suffolk, that, where the recommendation, as to officers of the jail, shall be made by the sheriff, and the mayor of the city of Boston, and, as to the officers of the house of correction, by the penal institutions commissioner, and the mayor of the city of Boston, and *provided* that no such officer or instructor shall be retired unless he began employment as such officer or instructor on or before June seventh, nineteen hundred and eleven.

Provisos.

SECTION 2. This act shall take effect upon its passage.

(This bill, returned by the governor to the senate, the branch in which it originated, with his objections thereto, was passed by the senate July 11, and, in concurrence, by the house of representatives July 13, the objections of the governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law".)

AN ACT TO ESTABLISH THE SALARY OF WILLIAM H. SANGER AS ASSISTANT CLERK OF THE SENATE AND THE SALARY OF FRANK E. BRIDGMAN AS ASSISTANT CLERK OF THE HOUSE OF REPRESENTATIVES.

Chap.674

Be it enacted, etc., as follows:

SECTION 1. The salary of William H. Sanger as assistant clerk of the senate and the salary of Frank E. Bridgman as assistant clerk of the house of representatives shall each be twenty-five hundred dollars a year, to be so allowed

Salaries of assistant clerks of senate and house.

from the first day of January in the year nineteen hundred and eleven.

SECTION 2. This act shall take effect upon its passage.

(This bill, returned by the governor to the senate, the branch in which it originated, with his objections thereto, was passed by the Senate July 11, and, in concurrence, by the house of representatives July 13, the objections of the governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law".)

Chap. 675 AN ACT TO PROVIDE PENSIONS FOR THE DISTRICT POLICE OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Retiring and pensioning of members of the district police.

SECTION 1. Any member of the district police who, in the judgment of the governor, is disabled for useful service in that department, and who is certified by a physician, designated by the governor, to be permanently incapacitated either physically or mentally, by injuries sustained through no fault of his own, in the actual performance of his duty, for the further performance of his duty in the department, and any member of the said department who has performed faithful service for the commonwealth for not less than twenty years, and is, in the judgment of the governor, incapacitated for further service as a member of the said department, shall, if he so requests, be retired, and shall annually receive a pension equal to one half of the compensation received by him at the time of his retirement.

Officers retired may be called upon for temporary service.

SECTION 2. The governor is hereby authorized, in case of emergency, to call upon any person pensioned under this act for such temporary service as a district police officer, as he may be fitted to perform.

Payment of pensions, etc.

SECTION 3. Pensions and annuities granted under this act, and all expenses connected therewith, shall be paid out of the treasury of the commonwealth.

SECTION 4. This act shall take effect upon its passage.

(This bill, returned by the governor to the house of representatives, the branch in which it originated, with his objections thereto, was passed by the house of representatives July 12, and, in concurrence, by the senate July 14, the objections of the governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law".)

AN ACT RELATIVE TO THE COMPENSATION OF MEMBERS OF THE GENERAL COURT. *Chap. 676*

Be it enacted, etc., as follows:

SECTION 1. Section eight of chapter three of the Revised Laws is hereby amended by striking out the words “seven hundred and fifty”, in the second line, and inserting in place thereof the words:—one thousand,—so as to read as follows:—*Section 8.* Each member of the general court shall receive one thousand dollars for the regular annual session for which he is elected, and two dollars for every mile of ordinary travelling distance from his place of abode to the place of the sitting of the general court. The president of the senate and the speaker of the house of representatives shall each receive double the compensation of other members, and two dollars for every mile of ordinary travelling distance as aforesaid.

R. L. 3, § 8,
amended.

Compensation of members of the general court.

SECTION 2. This act shall take effect on the first day of January, nineteen hundred and twelve.

Time of taking effect.

(This bill, returned by the governor to the house of representatives, the branch in which it originated, with his objections thereto, was passed by the house of representatives July 12, and, in concurrence, by the senate July 14, the objections of the governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the “force of a law”.)

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF HIGHWAYS CONNECTING THE HOOSAC AND DEERFIELD VALLEYS. *Chap. 677*

Be it enacted, etc., as follows:

SECTION 1. In addition to any sums heretofore appropriated for the use of the Massachusetts highway commission, seventy-five thousand dollars may be expended by said commission during the present year in the construction or improvement of a highway over Hoosac mountain between the city of North Adams and the valley of the Deerfield river, at such points and in such manner as shall be determined by the commission. Any unexpended balance of the sum hereby authorized to be expended may be used in the succeeding year for the same purpose.

Improvement of highways connecting the Hoosac and Deerfield valleys.

SECTION 2. For the purpose of meeting the expenditures hereby authorized, the treasurer and receiver general is hereby empowered, with the approval of the governor

The treasurer and receiver general may issue scrip, etc.

and council, to issue scrip or certificates of indebtedness to an amount not exceeding seventy-five thousand dollars, for a term not exceeding fifteen years. Such scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually. They shall be designated on their face, State Highway Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the commonwealth; and the principal and interest thereof shall be paid at the time specified therein in gold coin of the United States or its equivalent. They shall be sold at public auction, or disposed of in such other manner, at such times and prices, in such amounts and at such rates of interest, not exceeding the rate above specified, as shall be deemed best.

SECTION 3. This act shall take effect upon its passage.

Approved July 15, 1911.

Chap. 678 AN ACT TO PROVIDE FOR THE CONSTRUCTION OR IMPROVEMENT OF A HIGHWAY BETWEEN THE TOWNS OF SHELBURNE AND GREENFIELD.

Be it enacted, etc., as follows:

Improvement
of a highway
between the
towns of
Shelburne and
Greenfield.

SECTION 1. The Massachusetts highway commission is hereby authorized to expend the sum of ten thousand dollars during the present year, in addition to any sums heretofore appropriated, in the construction or improvement of a highway between the village of Shelburne Falls in the town of Shelburne and the Green River bridge, so-called, in the town of Greenfield, and any unexpended balance of the sum hereby authorized to be expended may be used in the succeeding year for the same purpose. This sum shall be expended by the highway commission upon such parts of the existing road between the above mentioned places as in its judgment will cause the road to become safe and convenient for public travel. Neither said way nor any part thereof shall thereby become a state highway, and the way shall be maintained and kept in repair by the towns in which it is located; but nothing in this act shall prevent the way from being maintained and kept in repair by the highway commission under the provisions of chapter five hundred and twenty-five of the acts of the year nineteen hundred and ten. If in the judgment of the commission

it is advisable to construct a state highway over any part or the whole of the said road, the commission is empowered so to do by means of the appropriation hereby authorized. This act shall not be construed as prohibiting the laying out or constructing of said way, or any part thereof, as a state highway under the laws applicable thereto whenever said commission shall deem that course expedient.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

AN ACT RELATIVE TO PRIMARIES AND ELECTIONS.

Chap. 679

Be it enacted, etc., as follows:

SECTION 1. Chapter five hundred and sixty of the acts of the year nineteen hundred and seven is hereby amended by striking out section three hundred and sixteen, and inserting in place thereof the following:—*Section 316.* No person shall, in order to aid or promote his own nomination or election to a public office, directly or indirectly, himself or through another person, give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing, except for personal expenses or to a political committee as hereinafter provided. The words “personal expenses”, as used in this chapter, shall include only expenses directly incurred and paid by a person for travelling and for purposes properly incidental to travelling; for writing, printing and preparing for transmission and distributing any letter, circular, or other publication, wherein is stated his position or views upon public or other questions; for stationery and postage; for telegraph, telephone and messenger service, expressage, and for preparing, circulating and filing nomination papers, and for the hire of not more than one conveyance to be used at each polling place at primaries only.

1907, 560, § 316, amended.

Payment by candidates regulated.

Personal expenses.

No person not a candidate for nomination or election, and no political committee, as defined in section three hundred and fourteen shall, in order to aid, promote or defeat the nomination or election of any person to public office, pay, expend or contribute, or promise to pay, expend or contribute, any money or valuable thing except in good faith for the following purposes: advertising, rent and maintenance of political headquarters, meetings, refreshments other than intoxicating liquors, decorations and music, postage, stationery, printing, expressage, travelling

Payment by persons other than candidates.

expenses of candidates, committees, speakers and clerks, telephone, telegraph, messenger service and clerk hire, and for preparing, circulating and filing nomination papers; but a political committee may expend money for the hire of not more than one conveyance to be used at each polling place at elections only.

1907, 560, § 317,
amended.

Payments to
political com-
mittees, etc.

SECTION 2. Section three hundred and seventeen of said chapter five hundred and sixty is hereby amended by striking out the said section and inserting in place thereof the following:—*Section 317.* A person who is a candidate for nomination or who is nominated as a candidate or voted for with his assent for public office, may make a voluntary payment of money or a voluntary and unconditional promise of payment of money to a political committee for the promotion of the principles of the party which it represents, or for its general purposes. No candidate for nomination or election or both, shall in any one election, including the primary therefor, make or incur, directly or indirectly, any payments, expenditures, promises or liabilities under this section which exceed in the whole twenty-five dollars for each one thousand or major portion thereof of the registered voters qualified to vote for the office in question at the next preceding election, but no candidate shall expend more than five thousand dollars, and any candidate may expend at least one hundred and fifty dollars for the said purposes.

1907, 560, § 319,
amended.

Soliciting from
candidates,
prohibited,
etc.

SECTION 3. Section three hundred and nineteen of said chapter five hundred and sixty is hereby amended by striking out the said section and inserting in place thereof the following:—*Section 319.* No person or persons, no political committee and no person acting under the authority of a political committee or in its behalf, shall demand, solicit, ask or invite from a person who is a candidate for nomination or election to public office, or who is occupying an elective public office, any payment or gift of money or other valuable thing, or promise of payment or gift of money or other valuable thing for advertising, gratuities, donations, tickets, programmes, or any other purpose whatsoever; and no such candidate for nomination or election, and no one who is occupying an elective public office, shall make any such payment or gift, or promise to make any such payment or gift, to any person or persons, political committee, or any person acting under the authority of a political committee, if such person or political

committee has demanded, solicited, asked, or invited from him any such payment, gift or promise of payment or gift; but this provision shall not apply to the soliciting or making in good faith of gifts for charitable or religious purposes.

SECTION 4. Section three hundred and twenty-five of said chapter five hundred and sixty is hereby amended by striking out the said section and inserting in place thereof the following:—*Section 325.* Every candidate for nomination to a public office shall, within seven days after the last day for filing nominations for that office, and every candidate for election to a public office shall within seven days after the election held to fill the office, file a statement in writing setting forth each sum of money and thing of value expended, contributed or promised by him, for the purpose of securing or in any way affecting his nomination or election to the office, and the name of the person or political committee to whom the payment, contribution or promise was made and the date thereof.

1907, 560, § 325, amended.

Candidates to file statements.

SECTION 5. Whoever is convicted of wilfully violating any provision of law relating to corrupt practices in elections shall be deemed ineligible to hold public office for three years following the date of his conviction.

Person convicted of violation of act relative to corrupt practices to be ineligible to hold public office, etc.

SECTION 6. If a person elected to public office is convicted of any wilful violation of the law relating to corrupt practices in connection with the primary or election at which he was nominated or elected, his office shall thereby be vacated, and a new election shall be held for the purpose of filling the same.

Person convicted of violation of act relative to corrupt practices to vacate office, etc.

SECTION 7. Nothing in this act shall be construed to repeal chapter five hundred and eighty-one of the acts of the year nineteen hundred and seven or chapter four hundred and eighty-three of the acts of the year nineteen hundred and eight.

Certain provisions of law to continue in force.

SECTION 8. This act shall take effect upon its passage.

Approved July 15, 1911.

AN ACT TO REVISE THE CHARTER OF THE CITY OF CHELSEA. *Chap. 680*

Be it enacted, etc., as follows:

PART I.

SECTION 1. The inhabitants of the city of Chelsea shall continue to be a municipal corporation, under the name of the City of Chelsea, and as such shall have, exercise and

City of Chelsea.

enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said city as a municipal corporation.

Number of
wards.

SECTION 2. The territory of the city shall continue to be divided into five wards, which shall retain their present boundaries until the same shall be changed under the general law relating thereto; but the number of wards shall never be less than five.

Government
to be vested
in a municipal
council.

SECTION 3. The government of the city and the general management and control of all its affairs shall be vested in a municipal council, except that the general management and control of the public schools of the city and of the property pertaining thereto, shall be vested in a school committee.

Municipal
council,
how com-
posed, etc.

SECTION 4. The municipal council shall consist of five members, to wit, a mayor and four aldermen. The school committee shall consist of the mayor and four other members. All the above officers shall be elected at large by and from the registered voters for terms of two years, unless it is otherwise provided in this act.

ELECTION.

Municipal
election and
municipal
year.

SECTION 5. The municipal election shall take place annually on the Tuesday following the second Monday of December; and the municipal year shall begin at ten o'clock in the forenoon of the first Monday in January, and shall continue until ten o'clock in the forenoon of the first Monday of the following January. Every special election shall be held on a Tuesday.

Election of
mayor, etc.

SECTION 6. In the year nineteen hundred and eleven, and in every second year thereafter, there shall be elected at the annual city election the mayor, two aldermen, and two members of the school committee for the term of the two municipal years next following their respective elections. There shall also be elected at said annual city election in the year nineteen hundred and eleven, two aldermen and two members of the school committee for the municipal year next following such election. In the year nineteen hundred and twelve, and in every second year thereafter, there shall be elected at the annual city election two aldermen and two members of the school committee, each for the two municipal years next following his election. Except as aforesaid and as otherwise provided in this act,

School com-
mittee.

no city officers shall be elected at any city election. The above mentioned officers shall be elected by and from the qualified voters of the city, and may be residents of any part thereof.

SECTION 7. Except as is otherwise provided in section fifty-three, there shall not be printed on the official ballots to be used at any annual or special city election the name of any person as a candidate for mayor, alderman or member of the school committee unless such person be nominated as such candidate at a preliminary election for nominations to be held as provided in this act. There shall not be printed on the official ballots to be used at a preliminary election for nominations the name of any person as a candidate unless such person shall have filed, within the time limited by section ten of this act, the statement of the candidate and the petition accompanying the statement described in section ten.

Preliminary election of candidates.

SECTION 8. On the third Tuesday preceding every annual or special city election at which any officer mentioned in section six is to be elected, there shall be held a preliminary election for nominations for the purpose of nominating candidates for such offices as are to be filled at such annual or special city election. No special election for the election of mayor or an alderman shall be held until after the expiration of forty days from the calling of the preliminary election for nominations, which is to be held on the third Tuesday preceding such special election. At every preliminary election for nominations the polls shall be opened at six o'clock in the forenoon, and shall be kept open until four o'clock in the afternoon and, except as is otherwise provided in this act, every such preliminary election for nominations shall be called by the same officers and held in the same manner as an annual city election, and polling places shall be designated, provided and furnished, official ballots, special ballots, ballot boxes, voting lists, specimen ballots, blank forms, apparatus and supplies shall be provided for every such preliminary election for nominations in the same number, kind and manner and by the same officials as at an annual city election, and the same election officers shall officiate as at an annual city election.

Time of holding preliminary election, etc.

SECTION 9. The provisions of law relating to election officers, voting places for elections, election apparatus and blanks, calling and conduct of elections, manner of voting at elections, counting and recounting votes at elections,

Certain provisions of law to apply.

corrupt practices, and penalties, shall apply to the said preliminary elections for nominations, except as is otherwise provided in this act.

Candidates to
file statements.

SECTION 10. Any person who is qualified to vote for a candidate for mayor, alderman or member of the school committee, and who is a candidate for nomination for any of those offices, may have his name, as such candidate, printed on the official ballots to be used at a preliminary election for nominations, provided that he shall, at least ten days prior to such preliminary election, file with the city clerk a statement in writing of his candidacy in substantially the following form: —

STATEMENT OF CANDIDATE.

Form of
statement.

I, (), on oath declare that I reside at (number, if any,) in (name of street,) in the city of Chelsea; that I am a voter therein qualified to vote for a candidate for the hereinafter mentioned office; that I am a candidate for nomination for the office of (mayor, alderman or member of the school committee) for (state the term), to be voted for at the preliminary election for nominations to be held on Tuesday, the day of , 19 , and I request that my name be printed as such candidate on the official ballots to be used at said preliminary election for nominations.
(Signed.)

COMMONWEALTH OF MASSACHUSETTS.

Suffolk, ss.
Subscribed and sworn to on this day of
19 , before me.
(Signed.)

Justice of the Peace.
(or Notary Public.)

Petition to
be filed.

and at the same time shall file therewith a petition of at least twenty-five voters of the city qualified to vote for a candidate for the said office. The petition shall be in substantially the following form: —

PETITION ACCOMPANYING STATEMENT OF CANDIDATES.

Form of
petition.

Whereas (name of candidate) is a candidate for nomination for the office of (mayor, alderman or member of the school committee) for (state the term), we the undersigned,

voters of the city of Chelsea, duly qualified to vote for a candidate for the said office, do hereby request that the name of said (name of candidate), as a candidate for nomination for said office, be printed on the official ballots to be used at the preliminary election for nominations to be held on the Tuesday of , 19 . We further state that we believe him to be of good moral character and qualified to perform the duties of the office.

NAMES OF VOTERS.	Street number, if any.	Street.

No acceptance by a candidate for nomination named in the petition shall be necessary for its validity or for its filing, and the petition need not be sworn to.

Acceptance not necessary.

SECTION 11. Women who are qualified to vote for member of the school committee may be candidates for nomination for that office at any preliminary election for nominations at which candidates for nomination for that office are to be voted for, and, at such preliminary election, may vote for, and only for, candidates for nomination for that office. They shall file the hereinbefore described statement of a candidate, and the petition accompanying the statement, in all cases where the same are herein required to be filed by male candidates for nominations for that office.

Women may be candidates for school committee, etc.

SECTION 12. On the first day, not being Sunday or a legal holiday, following the expiration of the time for filing the above described statements and petitions, the city clerk shall cause to be published in one or more newspapers published in the city the names and residences of the candidates for nomination who have duly filed the above mentioned statements and petitions, and the offices and terms for which they are candidates for nomination, as they are to appear on the official ballots to be used at the preliminary election for nominations. The city clerk shall thereupon prepare the ballots to be used at the preliminary election for nominations and shall cause them to be printed, and the ballots so prepared shall be the official ballots, and the only ballots, used at such preliminary election. They shall be headed as follows: —

Names and residences of candidates to be published.

OFFICIAL PRELIMINARY BALLOT.

Official
preliminary
ballot.

Candidates for Nomination for Mayor, Alderman and School Committee of the City of Chelsea. At a Preliminary Election for Nominations Held on the _____ Day of _____ in the Year Nineteen Hundred and _____

(The heading shall be varied in accordance with the offices for which nominations are to be made.)

Names of
candidates to
be printed on
ballot, etc.

SECTION 13. The name of each person who has filed a statement and accompanying petition as aforesaid, and his residence and the title and term of the office for which he is a candidate for nomination shall be printed on said ballots, and the names of no other candidates shall be printed thereon. Blank spaces shall be left at the end of each list of candidates for nomination for the different offices, equal to the number to be nominated therefor, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for nomination for such office. There shall be printed on said ballots such directions as will aid the voter; for example, "vote for one", "vote for two", and the like. Special ballots, headed: —

OFFICIAL PRELIMINARY BALLOT.

Special ballots.

Candidates for Nomination for Members of School Committee of the City of Chelsea. At a Preliminary Election for Nominations Held on the _____ Day of _____ in the Year Nineteen Hundred and _____ and containing the names and residences of the same candidates for nomination for member of the school committee as are on the regular official ballots furnished for such preliminary election for nominations, and the title and term of that office shall be prepared in like manner and printed for the use of women qualified to vote for members of the school committee.

PARTY DESIGNATIONS ABOLISHED.

No party
designation
to be used on
ballot.

SECTION 14. No ballot used at any annual or special city election or at any preliminary election for nominations shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything showing how he was nominated, or indicating his views or opinions.

SECTION 15. Voters qualified to vote at a city election shall be qualified to vote at the said preliminary election for nominations. Qualifications for voting.

SECTION 16. The election officers shall immediately, upon the closing of the polls at preliminary elections for nominations, count the ballots and ascertain the number of votes cast in the voting places where they officiate, for each person for nomination for each office, and shall make return thereof to the city clerk forthwith upon blanks to be furnished as in city elections. Counting of ballots, etc.

SECTION 17. On the first day, not being Sunday or a legal holiday, following the preliminary election for nominations, the city clerk shall canvass said returns, so received from the election officers, and shall forthwith publish the result of the canvass in one or more newspapers published in said city. City clerk to canvass returns, etc.

NOMINATIONS.

SECTION 18. The two persons receiving at a preliminary election for nominations the highest number of votes for nomination for an office shall be the candidates, and the only candidates, for that office whose names shall be printed on the official ballots to be used at the annual or special city election for the making of nominations for which such preliminary election was held; and if two or more persons are to be elected to the same office at such annual or special city election, the several persons, to a number equal to twice the number so to be elected, receiving at such preliminary election for nominations the highest number of votes for nomination for that office, or all such persons if less than twice the number of those so to be elected, shall be the candidates, and the only candidates, for that office whose names shall be printed on the official ballots to be used at the annual or special city election. Number of candidates on official ballot.

SECTION 19. No acceptance of a nomination made at a preliminary election for nominations shall be necessary for its validity. Acceptance not necessary.

ELECTIONS.

SECTION 20. At city elections, other than the above described preliminary elections for nominations, the person receiving the highest number of votes for an office shall be deemed and declared elected to that office; and if two or more persons are to be elected to the same office, the several persons, to the number to be chosen to the office, receiving Persons receiving the highest number of votes to be deemed elected.

the highest number of votes shall be deemed and declared to be elected; but persons receiving the same number of votes shall not be deemed to be elected if thereby a greater number would be elected than are by law to be chosen. On ballots to be used at annual or special city elections blank spaces shall be left at the end of each list of candidates for the different offices, equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office.

Certain provisions of law to apply.

SECTION 21. Except as is otherwise provided in this act, the laws of the commonwealth governing annual city elections, special elections of city officers and special elections in cities shall, so far as they may be applicable, govern such elections in the said city.

GENERAL MEETINGS OF VOTERS.

General meetings of voters.

SECTION 22. General meetings of the registered voters of the city shall be called by the municipal council upon petition of at least five hundred of the said voters, which petition shall state the purpose or purposes of the meeting, which shall pertain to an official act of the city council or some member thereof or to an official act of some city officer or officers. The meeting shall be held not later than three weeks after the filing of the petition; and notice thereof shall be given by the municipal council on the front page of at least one newspaper of the city, not less than three times within two weeks after the filing of the petition. A presiding officer shall be chosen for the meeting from those present; and the city clerk shall act as the clerk thereof, and shall keep complete records of the proceedings. If so requested in the petition, or demanded at the meeting, any city officer or officers shall attend the meeting, and if called upon so to do shall place before the meeting any facts, documents, or other information relative to the subject-matter of the petition.

Adjournment.

If for any reason any officer or officers are unable to attend the meeting, or if it be impossible to produce at the meeting the facts, documents, or other information requested as aforesaid, the meeting may be adjourned until such time as the officer or officers can attend, or the facts, documents or other information can be furnished.

A copy of the records of the meeting, and of any adjournment thereof, shall be transmitted by the city clerk to the municipal council at its next meeting.

ABOLISHMENT OF PRESENT GOVERNMENT.

SECTION 23. At ten o'clock in the forenoon on the first Monday of January in the year nineteen hundred and twelve, the board of control of said city shall be abolished; the terms of office which the present members of the board of control, members of the school committee and water commissioners are now serving shall terminate, and, except as is otherwise provided in this act, all the present powers and duties of all or any the mayor, mayor and aldermen, aldermen and board of aldermen, of said city, under any general or special acts, shall devolve upon and shall thereafter be exercised and performed by a board, styled the municipal council, which shall consist of the mayor and four aldermen elected under the provisions of this act. The municipal council shall be the judge of the election of its own members.

Present city government abolished.

SECTION 24. The mayor and the aldermen elected as aforesaid shall meet at ten o'clock in the forenoon on the first Monday of January of each year, and those of them whose term of office then begins shall severally take oath before the city clerk, or a justice of the peace, to perform faithfully the duties of their respective offices. The city clerk shall call the council to order, and shall designate the senior member elect, who shall preside until a president is chosen. The municipal council shall thereupon be organized by the choice of a president, who shall be called the president of the municipal council, and shall hold his office during its pleasure. The president of the municipal council shall be some member thereof other than the mayor. The organization of the municipal council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve, or non-election of the mayor or of one or more of the four aldermen: *provided*, that at least three of the persons entitled to be members of the municipal council are present and take the oath as aforesaid. Any person entitled to take the aforesaid oath who was not present at the time above fixed therefor may take the same at any time thereafter. Every official and board having to do with the affairs of

Meeting for organization.

Proviso.

the city, with the exception of such as pertain to the school committee, shall exercise his or their duties under the direction of such member of the council as it shall designate.

MEETINGS OF MUNICIPAL COUNCIL.

Meetings of
municipal
council.

SECTION 25. The municipal council shall fix suitable times for its regular meetings, which shall be held in the evening, and in case of public necessity, the mayor, the president of the municipal council, or any two members thereof, may at any time call a special meeting by causing a written notice, stating the time of holding the meeting, and signed by the person or persons calling the same, to be delivered in hand to each member, or left at his usual dwelling place at least six hours before the time of the meeting. All public hearings shall be held in the evening.

Quorum, etc.

SECTION 26. A majority of the members of the municipal council shall constitute a quorum. Its meetings shall be public, and the mayor, if present, shall preside, and shall have the right to vote. In the absence of the mayor, the president of the municipal council shall preside, and in the absence of both, a chairman pro tempore shall be chosen. The city clerk shall be, ex officio, clerk of the municipal council, and shall keep the records of its proceedings. All votes of the members of the municipal council shall be by yeas and nays, upon the passage of any ordinance, vote appropriating or borrowing money or the appointment, suspension or removal of any city officer, or on request of any member, and shall be entered upon the records. The affirmative votes of at least three members shall be necessary for the passage of any order, ordinance, resolution or vote.

POWERS OF THE MUNICIPAL COUNCIL.

Powers of
municipal
council.

SECTION 27. Except as is otherwise provided in this act, the municipal council shall have power to do, without the approval of the mayor, all things which all or any of the city council or board of aldermen now have power to do with such approval. Any notes, bonds or scrip which the city is authorized to issue shall be signed by its treasurer and countersigned by a majority of its municipal council. Upon a vote of the municipal council, the mayor shall sign, seal, execute and deliver in behalf of the city deeds and leases

of land sold or leased by the city, and other deeds, agreements, contracts, leases, indentures, assurances, and instruments on behalf of the city, except as is otherwise provided herein.

PUBLICITY FOR CONTRACTS.

SECTION 28. Neither the municipal council nor the school committee shall make or pass any order, resolution, or vote appropriating money in excess of five hundred dollars, or making or authorizing the making of any contract involving a liability on the part of the city in excess of five hundred dollars, unless the same is proposed in writing, and notice is given by the city clerk in at least one newspaper of the city, not less than one week before its passage, except an order, resolution or vote for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a majority vote of the whole board; and such notice shall be given as aforesaid upon the request of the municipal council or of the school committee. Contracts.

SECTION 29. When the municipal council shall make or pass any ordinance, or an amendment or repeal of any ordinance, the ordinance, amendment or repeal shall, except as is otherwise provided in this act, take effect at the expiration of ten days after its passage: *provided, however,* that, if there is a time therein specified when it shall take effect, and such time is more than ten days after its passage, the ordinance, amendment or repeal shall, except as is otherwise provided in this act, take effect at the time so specified therein. All ordinances so made and established shall forthwith be published in one or more newspapers published in said city, to be designated by the municipal council. When ordinances shall take effect.
Proviso.

SECTION 30. When the voters make or pass a measure, as provided in this act, the measure shall take effect at the time therein specified, without presentation to or approval by the mayor. When other measures shall take effect.

SECTION 31. No measure made or passed by the municipal council or by the voters, as provided in this act, shall require the approval of any court or of the attorney-general, or shall be required to be published in order to become effective. Approval not required.

SECTION 32. The mayor shall have no power of veto, and no measure which the municipal council shall make Mayor not to have power of veto.

or pass shall be presented to him for, or shall require, his approval in order to be effective.

Estimates, etc.

SECTION 33. The municipal council shall, in the month of January of each year, cause to be made to it by the heads of departments, and by all other officers and boards having authority to expend money, detailed estimates of the amounts deemed by them to be necessary for their respective departments for the financial year, which shall begin on the first Monday of January. The several boards and officers having charge of departments shall, within their respective departments, employ all labor, make and execute all necessary contracts, purchase all materials and supplies, and shall have the whole care and custody and management of all public works, institutions, buildings and other property. All contracts made in behalf of the city in which the amount involved exceeds two hundred dollars, shall, in order to be valid, require the approval of the municipal council; and except as is otherwise provided herein, or by law, no expenditure shall be made or liabilities incurred for any purpose beyond the appropriations previously made therefor.

Appropriations for a specific purpose not to be used for other purpose.

SECTION 34. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made and no liability incurred by or in behalf of the city until the municipal council has duly voted an appropriation sufficient to meet such expenditure or liability, together with all prior liabilities which are payable therefrom, except that after the expiration of the financial year, and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one sixth of the total appropriation made for similar purposes in the preceding year.

MONTHLY STATEMENTS TO BE PUBLISHED.

Monthly statements.

SECTION 35. The municipal council shall each month cause to be printed in pamphlet form a detailed itemized statement of all cash receipts and expenditures of the city during the preceding month, and of all bills and accounts owed by the city at the end of the preceding month, in such a manner as to show the gross monthly revenue and expense of each department, and shall furnish copies thereof to the public library, to the newspapers published in said city, and to persons who shall apply therefor at the office of the city clerk. At the end of the municipal year the

municipal council shall cause a complete examination of all books and accounts of the city to be made by competent accountants, and shall publish the result of the examination in the manner above provided for the publication of monthly statements. The provisions of this section shall apply to the school department of the city, and the school committee shall furnish the municipal council with such information, facts, figures and data as may be necessary to carry out the provisions of this section so far as it applies to the school department.

CRIMINAL OFFENSE TO PARTICIPATE IN CONTRACTS.

SECTION 36. It shall be unlawful for a member of the municipal council or school committee, or for any officer or employee of the city, directly or indirectly to make a contract with the city, or to receive any commission, discount, bonus, gift, contribution or reward from, or any share in the profits of, any person, firm or corporation making or performing such contract, unless such member, officer, or employee immediately upon learning of the existence of such contract or that such contract is proposed shall notify in writing the municipal council or school committee of such contract, and shall abstain from doing any official act on behalf of the city in reference thereto. In case such interest exists on the part of an officer whose duty it is to make such a contract on behalf of the city, the contract may be made by another officer of the city, duly authorized thereto by the mayor, or if the mayor has such interest, by the municipal council except, however, that when a contractor with the city is a corporation or voluntary association, the ownership of less than five per cent of the stock or shares actually issued shall not be considered as being an interest in the contract within the meaning of this act, and such ownership shall not affect the validity of the contract, unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in the making of the contract. A violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the city. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Certain officials prohibited from being interested in contracts, etc.

ADMINISTRATIVE OFFICERS.

Administra-
tive officers.

SECTION 37. Subject to the provisions of section thirty-nine of this act, there shall be the following administrative officers, who shall perform the duties by law prescribed for them respectively, and such further duties, not inconsistent with the nature of their respective offices and with general laws, as the municipal council may prescribe: A city clerk. A city treasurer, who may be collector of taxes. A city auditor. A city solicitor. A city messenger. A city physician. A city engineer, who shall be superintendent of sewers and superintendent of streets, and shall have the powers of surveyors of highways and the powers of road commissioners not herein otherwise conferred. A board of assessors, consisting of three persons. Five assistant assessors, one from each ward. A superintendent of water. A park commissioner. A board of registrars of voters, consisting of three persons. A board of trustees of the public library, consisting of six persons. A board of trustees of the soldiers' burial lot, consisting of three persons. A board of commissioners of sinking funds, consisting of three persons. A board of overseers of the poor, consisting of three persons. A board of health, consisting of three persons. A superintendent of public buildings, who shall also be inspector of buildings. A superintendent of fire alarms, who shall also be inspector of wires. All fees received by any official of the city shall be paid into the treasury of the city.

Powers of
municipal
council in
removals or
suspension
from office,
etc.

SECTION 38. The municipal council shall have power to appoint, suspend or remove any officer whose appointment is provided for in section thirty-seven or shall be provided for hereafter. All officers, whether heretofore elected or appointed, or appointed hereunder, shall, except as is otherwise provided herein, continue in office at the pleasure of the municipal council. Appointments to any office or board established by this act or by city ordinance, except foremen and day laborers and such offices as pertain to the school committee, shall be subject to the following provisions, to wit: Two weeks preceding the appointment to any such office or board, a statement of the position or positions to be filled shall be published in at least one newspaper of the city under the signatures of the municipal council, and they shall therein request any candidate or candidates for said position or positions to submit his or their candidacy in writing to the municipal council. Not less than two nor

more than four days prior to said appointment, the municipal council shall cause to be published on the front page of at least one newspaper of the city a list of the names of all candidates who have made written application as aforesaid; but nothing herein contained shall prevent the municipal council from rejecting any and all applicants and advertising for other and further applications, and after advertising a second time, if there is no satisfactory applicant, the council may appoint to office a person who has not submitted his candidacy in writing as aforesaid. All removals from appointive offices shall be accompanied by a statement of the reasons therefor, under the signature of the municipal council, and a copy of the statement shall be filed in the office of the city clerk. This section shall not apply to officers or employees now or hereafter classified under civil service laws.

PROVISION FOR CHANGES.

SECTION 39. The municipal council may from time to time, subject to the provisions of this act and in accordance with general laws, establish additional offices and boards, assign them to the proper departments, and determine the number and duties of the incumbents thereof; and for such purposes it may delegate to such offices and boards any part of the administrative powers given by this charter to the commissioners hereinbefore mentioned. The municipal council may also from time to time consolidate appointive offices and boards, separate and distribute the powers and duties of such as have already been established, increase or diminish the number of persons who shall perform the duties of any appointive office or board, or abolish any appointive office or board subject to the provisions of this act and in accordance with general laws.

Additional
offices and
boards.

SECTION 40. All administrative officers shall be sworn to the faithful discharge of their respective duties, and certificates of their oaths shall be made and kept in the office of the city clerk. All administrative boards and officers shall keep a record of their official transactions, and such records shall be open to public inspection.

Administra-
tive officers to
be sworn.

BONDS.

SECTION 41. The municipal council shall require the city treasurer and collector of taxes and the city auditor to give bonds, in such sums and with such surety or sureties as it

Bonds.

shall deem proper, for the faithful discharge of their respective duties, and may require any other municipal officers intrusted with the receipt, care or disbursement of money to give such a bond. No city money shall be deposited in any bank or trust company of which any member of the board of sinking fund commissioners or the treasurer of said sinking fund or the treasurer of said city is an officer, director or agent.

Administra-
tive boards,
etc., to give
information,
etc.

SECTION 42. Every administrative board, through its chairman or a member designated by the board, and every officer in charge of a department, may appear before the municipal council, and, at the request of the municipal council, shall appear before it, and give information in relation to anything connected with the discharge of the duties of such board or office; and the officer who appears shall have the right to speak upon all matters under consideration relating to his department.

SALARIES.

Salaries.

SECTION 43. The salary of the mayor shall be twelve hundred dollars per annum, and the salary of each alderman one thousand dollars per annum. These salaries shall be payable in equal monthly instalments. Upon the petition of not less than twenty-five per cent of the aggregate number of registered voters in the city, the question of increasing or decreasing the salaries of the mayor or the aldermen shall be printed upon the ballot at the next annual city election in substantially the following manner: "Shall the salary of the (mayor or aldermen) be increased or decreased to (amount petitioned for) per annum?" and if the vote is in the affirmative, the increase or decrease shall take effect in the next municipal year thereafter.

Members of
municipal
council not to
hold other
office.

SECTION 44. No member of the municipal council shall, during the term for which he was chosen, be eligible, either by appointment or by election of the municipal council, to any other office the salary of which is payable by the city, or shall, during such term, hold any such other office.

SCHOOLS.

School com-
mittee, how
constituted,
etc.

SECTION 45. The management and control of the public schools of the city shall be vested in the school committee, consisting of the mayor, ex officio, and four other members elected in accordance with the provisions of this act. Three

of its members shall constitute a quorum, and its meetings shall be public. All final votes of the school committee involving the expenditure of fifty dollars or over shall be by yeas and nays, and shall be entered on the records, and on request of one member any vote shall be by yeas and nays, and shall be entered upon the records. The affirmative vote of at least three members shall be necessary for the passage of any order, resolution or vote.

SECTION 46. No site for a school building shall be acquired by the city, unless the approval of such site by the school committee is first obtained. No plans for the construction of or alterations in a school building shall be accepted, and no work shall be begun on the construction or alteration of a school building, unless the approval of the school committee therefor is first obtained; but nothing herein contained shall require such approval for the making of ordinary repairs.

To approve sites for school buildings, etc.

SECTION 47. The school committee shall meet for organization on the Tuesday next after the first Monday in January in each year. The committee shall be the judge of the election and qualifications of its members, and shall determine the rules for its proceedings, except as is otherwise provided herein. The members of the school committee shall be sworn to the faithful discharge of their duties.

Meeting of school committee for organization, etc.

SECTION 48. The school committee shall appoint a superintendent of schools, and may appoint such subordinate officers and assistants, including janitors of school buildings, as it may deem necessary for the proper discharge of its duties and the conduct of its business. It shall define their terms of service and their duties and shall fix their compensation, and may suspend or remove them at pleasure. No member of the school committee, except the mayor, shall, during the term for which he is elected, hold any other office or position the salary or compensation for which is payable out of the city treasury.

Superintendent of schools, etc.

SECTION 49. The school committee, in addition to the powers and duties pertaining by law to school committees, shall have power to provide, when they deem it necessary, temporary accommodations for school purposes, and shall have the control of all school buildings and of the grounds connected therewith.

Temporary accommodations for schools, etc.

VACANCIES.

Vacancy in
municipal
council, how
filled, etc.

SECTION 50. If there is a vacancy, by failure to elect or otherwise, in the municipal council, whether as to the mayor or one or more aldermen, the council shall, by its remaining members, call a special city election to fill the vacancy or vacancies for the unexpired term or terms respectively, except that if such vacancy or vacancies occur within four months prior to the annual city election, the municipal council shall, by its remaining members, fill such vacancy or vacancies for the unexpired term or terms respectively. A person elected to fill any such vacancy shall, before entering upon the duties of his office, make oath before the city clerk or a justice of the peace faithfully to perform the same.

Vacancy in
office of
mayor, etc.

SECTION 51. Upon the death, resignation or absence of the mayor, or upon his inability to perform the duties of his office, the president of the municipal council shall perform them, and if he also is absent, or unable from any cause to perform said duties, they shall be performed by such member of the municipal council as it may from time to time elect, until the mayor or president of the municipal council is able to attend to the said duties, or until the vacancy is filled, as hereinafter provided. The person upon whom the said duties devolve shall be called "acting mayor", and, except as is otherwise provided in this act, shall possess the powers of mayor.

Vacancy in
school com-
mittee, etc.

SECTION 52. If there is a vacancy in the school committee, by failure to elect or otherwise, the municipal council and the remaining members of the school committee shall meet in joint convention and elect a suitable person to fill the vacancy for the unexpired term. The mayor, if present, shall preside at such convention.

RECALL.

Recall.

SECTION 53. The holder of any elective office may be removed at any time by the voters qualified to vote at city elections, and the procedure to effect his removal shall be as follows: A petition signed by a number of the voters of the city qualified to vote at city elections equal to at least twenty-five per cent of the aggregate number of registered voters in the city, and demanding an election of a successor of the person sought to be removed, shall be filed in the office of the city clerk. The petition shall

contain a general statement of the grounds for which the removal is sought. It need not be on one paper, but may consist of several distinct papers, each containing the said demand, and substantially upon the same grounds; and all papers containing such demand and statement, which in any one day shall be filed in the office of the city clerk, shall be deemed parts of the same petition. Each signer shall add to his signature his place of residence, on the preceding first day of April, giving the street and street number, if any. One signer of every such paper shall make oath upon his information and belief, before a notary public or a justice of the peace, that the statements therein made are true, and that each signature to the paper is the genuine signature of the person whose name it purports to be.

Within ten days after the date of filing the petition the city clerk, with the assistance of the registrars of voters, shall examine the petition to ascertain whether or not it is signed by the requisite number of qualified voters, as above described, and shall attach to the petition a certificate, showing the result of his examination. If, from the city clerk's certificate, the petition appears not to be signed by the requisite number of voters, it may be supplemented within ten days after the date of the certificate by other papers signed and sworn to as aforesaid, and all other papers containing a like demand and statement, and signed and sworn to as aforesaid, which shall be filed with the city clerk within the said ten days, shall be deemed supplemental to the original petition.

Duties of city clerk in cases of recall, etc.

The city clerk shall, within ten days after such supplementation, make a like examination of the amended petition, and attach thereto a new certificate, and, if it appears from such new certificate that the petition is still insufficient as to the number of signers as aforesaid, it shall be returned to the person or persons filing the same, without prejudice, however, to the filing of a new petition to the same effect.

If the petition, as originally filed, or as supplemented, shall be certified by the city clerk to be sufficient, he shall present the same to the municipal council without delay, and the municipal council shall call the election so demanded, and shall fix a date for holding the same, which shall be not less than sixty nor more than seventy days after the date of the presentation of the petition by the city clerk to the municipal council. The municipal council shall

Duties of city clerk in cases of recall, etc.

make or cause to be made all arrangements for holding such election, and the same shall be held and conducted, returns thereof made and the result thereof declared in all respects as in the case of other city elections. The successor of any officer so removed shall hold the office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate at the election, and unless he requests otherwise in writing, the city clerk shall place his name on the official ballots without nomination. The candidate receiving the highest number of votes shall be declared elected. If some person other than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed to be removed from the office. In case a person, other than the incumbent, receiving the highest number of votes shall fail to make oath before the city clerk or a justice of the peace, within thirty days after his election, faithfully to perform the duties of the office, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office until the end of the term which he was serving at the time of the said election, unless sooner removed therefrom by new and like proceedings. The name of no candidate, other than that of the person sought to be removed, shall be printed on the official ballots to be used at the election, unless the candidate be nominated as hereinbefore provided, at a preliminary election for nomination.

INITIATIVE.

Initiative.

SECTION 54. If a petition, signed by a number of the voters of said city, qualified to vote at city elections, equal to at least twenty-five per cent of the aggregate number of registered voters in the city, and requesting the municipal council to pass a measure therein set forth or referred to, shall be filed in the office of the city clerk, the municipal council shall: *provided*, that said measure be one which the municipal council shall, after this act takes effect, have a legal right to pass, (a) pass said measure without alteration, within twenty days after the attachment of the city clerk's certificate of sufficiency to the petition, or (b) forthwith, after the expiration of twenty days after the attachment of the said certificate of sufficiency to the petition, call a special election, unless an annual city election is fixed to occur within ninety days after the attachment of

Proviso.

the certificate of sufficiency, and at such special election, or annual city election, if one is so fixed, submit the said measure without alteration to the voters of the city qualified as aforesaid. Initiative.

If, however, a petition otherwise like the above described petition, but signed by a number of such qualified voters equal to at least ten per cent, but less than twenty-five per cent of the aggregate number of registered voters in the city, shall be filed as aforesaid, the municipal council shall (c) pass the measure therein set forth or referred to, without alteration, within twenty days after the attachment of the certificate of sufficiency, or (d) submit the same without alteration to the qualified voters of the city at the next annual city election.

The votes upon the measure at an annual city election, or at a special election, shall be taken by ballot in answer to the question, "Shall the measure (stating the nature of the same) be passed (or repealed)?" which shall be printed on the ballots after the list of candidates, if there be any. If a majority of the qualified voters voting on the proposed measure shall vote in favor thereof, it shall thereupon become a valid and binding measure of the city; and no such measure passed as aforesaid by the municipal council, upon petition as aforesaid, or which shall be adopted as aforesaid at any such annual city election or special election, shall be repealed or amended except by the qualified voters of the city at an annual city election or special election.

Any number of measures requested by petition as aforesaid, may be voted upon at the same election, in accordance with the provisions of this section, but there shall not be more than one special election in any period of six months for that purpose.

The municipal council may submit a proposition for the repeal of any measure, or for amendments thereof, to be voted upon at any succeeding annual city election; and if the proposition so submitted receives a majority of the votes cast thereon at such election, the measure shall thereby be repealed or amended accordingly. The votes upon such repeal or amendment at an annual city election shall be taken by ballot in answer to the question, "Shall the measure (stating the nature of the same) be repealed or amended (stating the nature of the amendment)?" which shall be printed on the ballots after the list of candidates, if there be any. Whenever any such

Initiative.

measure or proposition is required by this act to be submitted at any election as aforesaid, the city clerk shall cause the same to be published once in each of the newspapers published in said city; such publication to be not more than twenty nor less than five days before the submission of the ordinance or proposition to be voted on.

Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the measure, the passage of which is requested, shall be set forth or referred to, and all such papers filed in any one day in the office of the city clerk shall be deemed to be parts of the same petition. The petitions shall be signed, sworn to as to signatures, examined, re-examined, presented to the municipal council, shall have the city clerk's certificate of sufficiency or insufficiency attached thereto, and may be supplemented in the same manner as petitions filed under section fifty-three.

Any measure passed under the provisions of this section by the municipal council upon petition, or by the voters, may prescribe such penalty for its violation as the municipal council, after this act takes effect, shall have a right to affix to a like measure for a breach thereof.

REFERENDUM.**Referendum.**

SECTION 55. If, during the ten days next following the passage of a measure by the municipal council, a petition, signed by a number of the voters of the said city, qualified to vote at city elections, equal to at least twenty-five per cent of the aggregate number of registered voters in the city and protesting against the passage of such measure, shall be filed in the office of the city clerk, the measure shall be suspended from going into operation, and it shall be the duty of the municipal council to reconsider the same, and if it is not wholly repealed, the municipal council shall submit it, as is provided in sub-division (b) of section fifty-four, to the qualified voters of the city, and the said measure shall not go into effect or become operative unless a majority of the voters, qualified as aforesaid, voting on the same, shall vote in favor thereof. The votes upon such a measure at an annual city election, or at a special election, shall be taken by ballot in answer to the question, "Shall the measure (stating the nature of the same) take effect?" which shall be printed on the ballots after the list of candidates, if there be any.

Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the measure, the passage of which is protested, shall be set forth or referred to, and all such papers filed in any one day shall be deemed to be parts of the same petition. The petitions shall be signed, sworn to as to signatures, examined, re-examined, presented to the municipal council, shall have the city clerk's certificate of sufficiency or insufficiency attached thereto, and may be supplemented in the same manner as petitions filed under section fifty-three.

SECTION 56. It shall not be necessary for the validity of any petition or statement provided for or required by the provisions of this act that any signer thereof add to his signature any residence other than the name of the street, and street number, if there be any, at which he resided on the previous first day of April.

Validity of petition.

HALLS TO BE FURNISHED FOR USE OF CANDIDATES.

SECTION 57. The municipal council upon the written request of a candidate or candidates at any election provided for in this act shall furnish for the use of such candidate or candidates a hall for the purpose of enabling him or them to address the citizens upon matters of public interest: *provided, however*, that nothing herein contained shall require the furnishing of a hall more than once to any one candidate.

Halls to be provided for candidates, etc.

Proviso.

CIRCULARS TO BE SENT TO VOTERS.

SECTION 58. The municipal council shall cause a circular to be sent to every registered voter in the city at least three days before any election provided for in this act, stating the name, residence, age and occupation of every candidate and the public offices which he has held, if any. A candidate may in a statement, not exceeding one hundred words, give his position or views upon any public measure that has been before the council or that may come before the council.

Circulars.

CORRUPT PRACTICES.

SECTION 59. Any person who shall perform services in the interest of a candidate for any office provided for in this act, in consideration of money or other valuable thing paid or to be paid for such services, shall be punished by

Penalty.

a fine not exceeding three hundred dollars, or by imprisonment in the county jail for not more than thirty days.

Same subject.

SECTION 60. Any candidate for office, or any officer, who shall directly or indirectly give or promise any person or persons either money or any other valuable thing for services performed or to be performed in the interest of any candidate shall be punished by a fine not exceeding three hundred dollars, or be imprisoned in the county jail for a term not exceeding thirty days.

Repeal, etc.

SECTION 61. All special acts and parts of special acts applying to the city of Chelsea inconsistent herewith are hereby repealed, and all general acts and parts of general acts inconsistent herewith shall not hereafter apply to the city of Chelsea: *provided, however*, that this repeal shall not affect any act done or any right accruing or accrued or established, or any suit or proceeding had or begun in any civil case before the time when such repeal takes effect, and that no offences committed and no penalty or forfeitures incurred under the acts or parts of acts hereby repealed shall be affected by the repeal; and *provided, also*, that all persons who at the time when said repeal takes effect shall hold any office under said acts shall continue to hold the same according to the tenure thereof, except as is otherwise provided herein, and *provided, also*, that all ordinances of the city of Chelsea in force at the time when said repeal takes effect, and not inconsistent with the provisions of this act, shall continue in force until the same are repealed or amended, and all officers elected under such ordinances shall continue in office according to the tenure thereof, except as is otherwise provided herein, and *provided, further*, that nothing herein contained shall in any way change the laws or regulations governing the civil service.

Time of taking effect.

SECTION 62. If Part I of this act be accepted, it shall take effect upon its acceptance for the annual city election to be held on the Tuesday following the second Monday of December in the year nineteen hundred and eleven, for the preliminary election for nominations, to be held, under the provisions of this part, on the third Tuesday preceding the aforesaid annual city election, for the statements of candidates and petitions accompanying statements of candidates to be filed by persons whose names are to be printed on the official ballots to be used at such preliminary election, and for all things which appertain and relate to said annual

city election, preliminary election, statements of candidates and petitions accompanying statements of candidates; and it shall take effect for all other purposes at ten o'clock in the forenoon on the first Monday of January, in the year nineteen hundred and twelve.

PART II.

PLAN TWO.

SECTION 1. The inhabitants of the city of Chelsea shall continue to be a body politic and corporate, under the name of the City of Chelsea, and as such shall have, exercise and enjoy all the rights, powers, privileges and immunities, and shall be subject to all the duties and obligations pertaining to and incumbent upon said city as a municipal corporation.

City of
Chelsea,
Part II.

SECTION 2. The territory of the city shall continue to be divided into five wards, which shall retain their present boundaries until the same shall be changed under the general law relating thereto.

Wards.

SECTION 3. The government of the city and the general management and control of all its affairs shall be vested in a single officer, to be called the mayor, and in a legislative body, to be called the board of aldermen, except, that the general management and control of the public schools of the city and of the property pertaining thereto shall be vested in a school committee.

Government
of the city.

SECTION 4. The board of aldermen shall consist of nine members, five elected by wards, one from each ward by and from the qualified voters of the ward, for terms of one year, and four aldermen at large elected by and from the qualified voters of the city for terms of two years, except as is otherwise provided herein.

Board of
aldermen.

SECTION 5. The school committee shall consist of eleven members, the mayor ex officio, and ten other members to be elected by wards, two from each ward, by and from the qualified voters of the ward, for terms of two years, except as is otherwise provided herein.

School
committee.

SECTION 6. The mayor shall be elected by and from the qualified voters of the city, and shall hold office for one year and until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office only for the unexpired term, and until his successor is elected and qualified.

Mayor, elec-
tion, term,
etc.

ELECTIONS.

Municipal
election and
municipal
year.

SECTION 7. The municipal election shall be held annually on the Tuesday following the second Monday in December, and the municipal and fiscal year shall begin at eight o'clock in the evening of the first Monday in January, and continue until eight o'clock in the evening of the first Monday in the following January.

Term of office.

SECTION 8. The term of each municipal officer elected hereunder shall begin with the municipal year following his election.

Election of
mayor,
aldermen, etc.

SECTION 9. In the year nineteen hundred and eleven there shall be elected at the annual city election of said city two aldermen at large and five members of the school committee, one from each ward, for the term of the two municipal years next ensuing. There shall also be elected at said annual city election in the year nineteen hundred and eleven a mayor, two aldermen at large, one alderman from each ward and five members of the school committee, one from each ward, for the municipal year next ensuing. In the year nineteen hundred and twelve and in every year thereafter there shall be elected at the annual city election two aldermen at large and five members of the school committee, one from each ward, for the two municipal years next ensuing, and a mayor and five aldermen, one from each ward for the municipal year next ensuing.

Preliminary
election of
candidates,
etc.

SECTION 10. Except as is otherwise provided in section seventy-six of this charter there shall not be printed on the official ballots to be used at any annual or special city election of said city the name of any person as a candidate for mayor, alderman or member of the school committee unless such person be nominated as such candidate at a preliminary election for nominations to be held as provided in this act. There shall not be printed on the official ballots to be used at said preliminary elections the name of any person as a candidate for nomination unless such person shall have filed, within the time limited by section fourteen of this charter, the statement of a candidate and the petition accompanying the statement described in section fourteen.

Time of hold-
ing pre-
liminary
election, etc.

SECTION 11. On the third Tuesday preceding every annual or special city election at which any officer mentioned in section three is to be elected there shall be held a pre-

liminary election for nominations for the purpose of nominating candidates for such offices as, under the provisions of this act, are to be filled at such annual or special city election. No special election for the election of mayor or an alderman shall be held until after the expiration of forty days from the calling of the preliminary election for nominations, which under the provisions of this act is to be held on the third Tuesday preceding such special election. At every preliminary election for nominations the polls shall be opened at twelve o'clock noon and kept open until nine o'clock in the evening; and, except as is otherwise provided in this act, every such preliminary election for nominations shall be called by the same officers and held in the same manner as an annual city election, and polling places shall be designated, provided and furnished, official ballots, special ballots, ballot boxes, voting lists, specimen ballots, blank forms, apparatus and supplies shall be provided for every such preliminary election for nominations in the same number, kind and manner, and by the same officials, as at an annual city election, and the same election officers shall officiate as at an annual city election.

Time of holding preliminary election, etc.

SECTION 12. The provisions of law relating to election officers, voting places for elections, election apparatus and blanks, calling and conduct of elections, manner of voting at elections, counting and recounting of votes at elections, corrupt practices, and penalties, shall apply to the said preliminary elections for nominations, except as is otherwise provided in this act.

Certain provisions of law to apply.

SECTION 13. When no convenient wardroom for holding a meeting of the qualified voters of a ward, either for the purpose of voting at an election or for any other lawful purpose can be had within the territorial limits of that ward, the board of aldermen may appoint and direct that the meeting be held in some convenient place within the limits of an adjacent ward of the city; and for such purpose the place so assigned shall be deemed to be a part of the ward for which the meeting or election is held.

Place of holding meetings.

SECTION 14. Any person who is qualified to vote for a candidate for mayor, alderman or member of the school committee, and who is a candidate for nomination for such office may have his name, as candidate, printed on the official ballots to be used at a preliminary election for nominations, provided that he shall, at least ten days prior to

Names of persons to be printed on ballot.

the preliminary election for nominations, file with the city clerk a statement in writing of his candidacy in substantially the following form: —

STATEMENT OF CANDIDATE.

Form of
statement of
candidate.

I, (), on oath declare that I reside at (number, if any,) on (name of street,) in the city of Chelsea; that I am a voter therein, qualified to vote for a candidate for the hereinafter mentioned office; that I am a candidate for nomination for the office of (mayor, alderman or member of the school committee) for (state the term), to be voted for at the preliminary election for nominations to be held on Tuesday, the day of , 19 , and I request that my name be printed as such candidate on the official ballots to be used at said preliminary election for nominations.
(Signed.)

COMMONWEALTH OF MASSACHUSETTS.

Suffolk, ss.

Subscribed and sworn to on this day of
19 , before me. (Signed.)
Justice of the Peace (or
Notary Public.)

Petition.

and at the same time shall file therewith a petition of at least twenty-five voters of the city qualified to vote for a candidate for the said office. The petition shall be in substantially the following form: —

PETITION ACCOMPANYING STATEMENT OF CANDIDATES.

Form of
petition.

Whereas (name of candidate) is a candidate for nomination for the office of (mayor, alderman or member of the school committee) for (state the term), we, the undersigned voters of the city of Chelsea, duly qualified to vote for a candidate for that office, do hereby request that the name of said (name of candidate), as a candidate for nomination for said office, be printed on the official ballots to be used at the preliminary election for nominations to be held on the Tuesday of , 19 . We further state that we believe him to be of good moral character and qualified to perform the duties of the office.

NAMES OF VOTERS.	Street number, if any.	Street.

No acceptance by a candidate for nomination named in the petition shall be necessary for its validity, or for its filing, and the petition need not be sworn to.

Acceptance
not necessary.

SECTION 15. Women who are qualified to vote for member of the school committee may be candidates for nomination for that office at any preliminary election for nominations at which candidates for nomination for that office are to be voted for, and, at such preliminary election for nominations, may vote for, and only for, candidates for nomination for that office. They shall file the hereinbefore described statement of a candidate, and the petition accompanying the statement of the candidate in all cases where the same are herein required to be filed by male candidates for nominations for the same office.

Women may
be candidates
for school
committee.

SECTION 16. On the first day, not being Sunday or a legal holiday, following the expiration of the time for filing the above described statements and petitions, the city clerk shall cause to be published in one or more newspapers published in the city the names and residences of the candidates for nomination who have duly filed the above mentioned statements and petitions, and the offices and terms for which they are candidates for nomination, as they are to appear on the official ballots to be used at the preliminary election for nominations. The city clerk shall thereupon prepare the ballots to be used at the preliminary election for nominations and shall cause them to be printed, and the ballots so prepared shall be the official ballots and the only ballots used at such preliminary election for nominations. They shall be headed as follows:—

Names of
candidates to
be published.

OFFICIAL PRELIMINARY BALLOT.

Candidates for Nomination for Mayor, Alderman and School Committee of the City of Chelsea. At a Preliminary Election for Nominations Held on the _____ Day of _____ in the Year Nineteen Hundred and _____

(The heading shall be varied in accordance with the offices for which nominations are to be made.)

Official
preliminary
ballot.

Names of persons filing statement, etc., to be printed on ballot.

SECTION 17. The name of each person who has filed a statement and accompanying petition as aforesaid, and his residence, and the title and term of the office for which he is a candidate for nomination, shall be printed on said ballots, and the names of no other candidate shall be printed thereon. Blank spaces shall be left at the end of each list of candidates for nomination for the different offices, equal to the number to be nominated therefor, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for nomination for the office. There shall be printed on said ballots such directions as will aid the voter; for example, "vote for one", "vote for two", and the like. Special ballots, headed: —

OFFICIAL PRELIMINARY BALLOT.

Official preliminary ballot for school committee.

Candidates for Nomination for Members of School Committee of the City of Chelsea. At a Preliminary Election for Nominations Held on the _____ Day of _____ in the Year Nineteen Hundred and _____ and containing the names and residences of the same candidates for nomination for member of the school committee as are on the regular official ballots, furnished for such preliminary election for nominations, and the title and term of that office, shall be prepared in like manner and printed for the use of women qualified to vote for members of the school committee.

PARTY DESIGNATIONS ABOLISHED.

Party designations abolished.

SECTION 18. No ballot used at any annual or special city election or at any preliminary election for nominations shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything showing how he was nominated, or indicating his views or opinions.

Qualifications of voters.

SECTION 19. Voters qualified to vote at a city election shall be qualified to vote at the said preliminary election for nominations.

Counting of ballots, etc.

SECTION 20. The election officers shall, immediately upon the closing of the polls at preliminary elections for nominations, count the ballots and ascertain the number of votes cast in the voting places where they officiate, for each per-

son for nomination for each office, and shall make return thereof to the city clerk forthwith upon blanks to be furnished, as in city elections.

SECTION 21. On the first day, not being Sunday or a legal holiday, following the preliminary election for nominations, the city clerk shall canvass said returns, so received from the election officers, and shall forthwith determine the result of the canvass and publish the same in one or more newspapers published in said city.

Canvass of returns.

NOMINATIONS.

SECTION 22. The two persons receiving at a preliminary election for nominations the highest number of votes for nomination for an office shall be the candidates and the only candidates for that office whose names shall be printed on the official ballots to be used at the ensuing annual or special city election, and if two or more persons are to be elected to the same office at such annual or special city election, the several persons, to a number equal to twice the number so to be elected, receiving, at the preliminary election for nominations the highest number of votes for nomination for that office, or all such persons if less than twice the number of those so to be elected, shall be the candidates, and the only candidates, for that office whose names shall be printed on the official ballots to be used at the annual or special city election.

Nominations, etc.

SECTION 23. No acceptance of a nomination made at a preliminary election for nominations shall be necessary for its validity.

Acceptance not necessary.

SECTION 24. At city elections, other than the above described preliminary elections for nominations, the person receiving the highest number of votes for an office shall be deemed and declared elected to that office; and if two or more persons are to be elected to the same office, the several persons, to the number to be chosen to the office, receiving the highest number of votes shall be deemed and declared to be elected; but persons receiving the same number of votes shall not be deemed to be elected if thereby a greater number would be elected than are by law to be chosen. On ballots to be used at annual or special city elections blank spaces shall be left at the end of each list of candidates for the different offices, equal to the number to be elected thereto, in which the voter may insert the name of any

Persons receiving the highest number of votes to be deemed elected, etc.

person not printed on the ballot for whom he desires to vote for such office.

Laws governing elections.

SECTION 25. Except as otherwise provided in this act, the laws of the commonwealth governing annual city elections, special elections of city officers and special elections in cities shall, so far as they may be applicable, govern such elections in the said city.

Names of candidates subject to inspection.

SECTION 26. The names of candidates appearing on nomination papers shall, when filed and certified, be subject to public inspection, and the certification required by law shall not preclude any voter from filing objections to the validity of a nomination.

Order in which names appear on ballot.

SECTION 27. The order in which the names of candidates to be voted for at any municipal election or at any preliminary election for nominations shall appear on the official ballot, shall be determined by the board of aldermen by drawing lots, at a meeting of said board, separate drawings to be made for each group of candidates for each office. In the year nineteen hundred and eleven the said drawings shall be made by the board of control.

VACANCIES.

Vacancies.

SECTION 28. If a vacancy in the office of mayor occurs more than six months previous to the expiration of his term, or if no mayor be elected at the annual municipal election, the board of aldermen shall order an election for a mayor to serve during the unexpired term, or if the vacancy occurs within the last six months of the term, the board of aldermen may order such election. If the vacancy occurs in the last six months of the term, and no mayor is elected, the president of the board of aldermen shall become acting mayor for the unexpired term, with all the duties, rights and powers of mayor. Whenever, by reason of sickness, absence from the city or other cause, the mayor shall be unable to attend to the duties of his office, or, if the office is vacant, pending an election as aforesaid, the president of the board of aldermen shall, under the style of acting mayor, exercise the powers and perform the duties of mayor, except that he shall not make any permanent appointment to or removal from office; nor shall he, unless the disability of the mayor has continued at least five days, or unless the office of mayor has become vacant, have power to approve or disapprove any

ordinance, order, resolution or vote of the board of aldermen.

SECTION 29. If a vacancy in the office of a member of the board of aldermen shall occur more than one year previous to the expiration of his term of office, and such vacancy exists at the time when nominations may be made for the following municipal election, the board of aldermen shall declare a vacancy to exist, and shall cause an election to be held to fill the same at the time of such municipal election. The person so elected shall hold office for the unexpired term.

Filling of vacancy.

SECTION 30. If the full number of members of the board of aldermen shall not be elected, or if there be a vacancy in said board, the board of aldermen may declare a vacancy to exist, and thereupon may cause a new election to be held to fill the same. The person thus elected to fill a vacancy shall hold office for the remainder of the term.

The board of aldermen may declare a vacancy, etc.

SECTION 31. In case of a vacancy in the school committee, the mayor shall call a joint convention of the board of aldermen and of the school committee, at which the mayor shall preside, and the vacancy shall, by a vote of a majority of all the members of the two bodies, be filled by the election in the manner provided in section seven of chapter twenty-six of the Revised Laws of a registered voter and a resident of the ward in which the vacancy exists to serve until the end of the municipal year in which the order for the next annual municipal election shall be issued; and at such election the further vacancy, if any, shall be filled for the remainder of the unexpired term, in the same manner in which the member whose office is vacant was elected.

Filling of vacancy.

SECTION 32. No person shall be eligible for election as an alderman from a ward or as a member of the school committee who is not at the time of his election a resident of the ward from which he is chosen, but his subsequent removal to another ward of the city shall not disqualify any such officer from performing the duties of his office.

Eligibility for election as alderman.

ABOLISHMENT OF PRESENT GOVERNMENT.

SECTION 33. At eight o'clock in the evening on the first Monday of January in the year nineteen hundred and twelve, the board of control of said city shall be abolished; the terms of office which the present members of the board of control, members of the school committee and water com-

Present city government abolished.

missioners are now serving shall terminate, and, except as otherwise provided in this act, all the present powers and duties of all or any, the mayor, mayor and aldermen, aldermen and board of aldermen, of said city, under any general or special acts, shall devolve upon and shall thereafter be exercised and performed by the mayor and board of aldermen elected under the provisions of this charter.

ORGANIZATION.

Organization
of city
government.

SECTION 34. On the first Monday in January at eight o'clock in the evening, the mayor elect, aldermen and aldermen-elect shall meet and the mayor-elect and aldermen-elect shall be sworn to the faithful discharge of their duties. The oath may be administered by any justice of the peace, and a certificate that the oath has been taken shall be entered on the journal of the board of aldermen. At any time thereafter the oath may be administered, in the presence of the board of aldermen, to the mayor or to any alderman absent from the meeting on the first Monday in January, or not elected prior thereto. After the aldermen or a majority of them have been sworn, they shall assemble and elect from their number a president of the board in the manner provided in section seven of chapter twenty-six of the Revised Laws. The member having the highest number of votes shall be deemed and declared to be elected. The city clerk shall call the board to order and shall designate the senior member elect who shall preside until a president is chosen.

Board of
aldermen to
be judge of the
election of its
members.

SECTION 35. The board of aldermen shall be the judge of the election of its members, shall determine the rules of its proceedings, and may appoint such assistant clerks and other officers as may be necessary for the proper conduct of its business.

Presiding
officer of
board.

SECTION 36. The president of the board of aldermen shall preside at all meetings of the board. In case of his absence at any meeting a member of the board may be elected as aforesaid to serve as president pro tempore. In case of a vacancy in the office of president of the board, the vacancy shall be filled in the manner of the original election.

Clerk of the
board, etc.

SECTION 37. The city clerk shall be clerk of the board of aldermen; but in case of a vacancy in the office, or of the temporary absence or disability of the city clerk, the board of aldermen may elect a clerk pro tempore. The city clerk and such clerk pro tempore shall be duly sworn. The

city clerk shall attend the sessions of the board of aldermen, shall keep a record of its proceedings, and shall perform such further service as the board of aldermen shall require.

SECTION 38. A majority of the whole number of members of the board of aldermen provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. Quorum.

SECTION 39. Except as otherwise provided herein, the board of aldermen shall in general have and exercise the legislative powers of towns and of the inhabitants thereof and shall have all the powers and authority given to city councils and boards of aldermen under the general laws of the commonwealth, and shall be subject to the duties imposed on city councils and boards of aldermen; and shall have and exercise all the powers, other than executive powers, given to selectmen of towns and to the selectmen of the town of Chelsea, or to the city council of the city of Chelsea, under any special laws heretofore passed with reference to the town or city of Chelsea and not inconsistent herewith. Powers of board of aldermen, etc.

SECTION 40. The board of aldermen shall have power to establish ordinances, and to affix thereto penalties as herein and by general law provided, without the sanction of any court or justice thereof. Ordinances, unless they contain an express provision for a later date, shall take effect at the time of their approval by the mayor, or, if a penalty for their violation is provided, at the expiration of thirty days from the day of such approval. All fines and forfeitures for the breach of an ordinance shall be paid into the city treasury. Complaints for the breach of an ordinance may be made by any resident of the city. All existing ordinances of the city not inconsistent with the provisions of this act shall continue in force until amended or repealed. All ordinances shall be proposed in writing and notice of each proposed ordinance shall be published by the city clerk in at least one newspaper of the city not less than one week before its final passage. Ordinances, etc.

SECTION 41. The board of aldermen may from time to time, subject to the provisions of this act and in accordance with general laws, if they exist in any particular case, provide by ordinance for the establishment of boards and offices in addition to those hereinafter named, for the construction and care of public works and buildings, for the direction and custody of public parks, and for other municipal purposes; may determine the number and duties of the incumbents of such boards and offices, and may delegate to such boards Establishment of additional boards and offices, etc.

and offices the administrative powers given to it by general or special laws, or given by general laws to city councils and boards of aldermen. The board of aldermen may likewise from time to time consolidate boards and offices, and may separate and divide the powers and duties of such as are or may hereafter be established, may increase the number of persons constituting any of the boards herein specified, and when such increase has been made may subsequently diminish the number, may increase or diminish the number of persons who shall perform the duties of an office or board hereafter established, as hereinbefore provided, and may abolish an office or board hereafter established.

APPROVAL BY THE MAYOR.

Approval of
ordinances,
etc.

SECTION 42. Every ordinance, order, resolution or vote of the board of aldermen, except those relating to matters of procedure or to the election of officers, shall be presented to the mayor by the clerk of the board within forty-eight hours after its passage, Sundays and legal holidays excepted. If the mayor approves it, he shall sign it, and it shall then be in force; if he disapproves it, he shall return it, with his objections in writing, to the board, which shall enter the objections at large on its records and again consider it; and if two thirds of the members of the board vote to pass it, notwithstanding the mayor's objections, it shall be in force; but in all cases the vote shall be by yeas and nays. Any such ordinance, order, resolution or vote shall be in force if it is not returned by the mayor within ten days after it was presented to him.

Passage of
certain
measures,
etc.

SECTION 43. The board of aldermen may pass any measure, except an ordinance, through all its stages of legislation at one session by unanimous consent of the members of the board present. Should one or more members object, action on the measure shall be postponed for at least one week; and if when it is next considered two thirds or more members object to its passage, there shall be a second postponement for at least one week.

Regular
meetings.

SECTION 44. The board of aldermen shall hold regular meetings. All regular meetings shall be held in the evening, and shall be public, and all votes shall be taken in public.

Special
meetings.

SECTION 45. The mayor may, and the city clerk on the written request of four members of the board of aldermen, shall, call a special meeting of the board of aldermen by

causing a written notice of the meeting, containing a statement of the subjects to be considered thereat, to be left at the usual place of residence of each member at least twenty-four hours before the time appointed for the meeting, and no other business than that stated in the notice shall be transacted at a special meeting: *provided, however,* that in case of emergency or public necessity the mayor or the president of the board of aldermen may call such a meeting by causing the notice to be delivered in hand to each member, or left at his usual place of residence, at least six hours before the time appointed for the meeting.

Proviso.

SECTION 46. All votes of the board of aldermen shall be by yeas and nays on the passage of any ordinance, vote appropriating or borrowing money, or the appointment, suspension or removal of any city officer, and shall be entered upon the records; and upon the request of any member any vote shall be by yeas and nays and shall be entered upon the records.

Votes on certain measures.

All votes of the board of aldermen making appropriations or authorizing loans of money shall be in itemized form, and when brought before the board of aldermen on recommendation of the mayor no item of the appropriation or loan in excess of the amount recommended by the mayor shall be passed except by the affirmative votes of two thirds of the members of the board.

Appropriations to be in itemized form, etc.

The board of aldermen shall appropriate annually the amount necessary to meet the expenditures of the city for the current municipal year, and such appropriations shall not be increased except by a vote of two thirds of the members of the board. Upon the introduction of an order for an appropriation to be made by the board of aldermen for the erection of a public building or buildings, or for the purchase of land therefor, the city clerk shall give notice of such order by publication of the substance thereof once in two newspapers published in the city; and action upon the order shall be suspended for fifteen days after the said publication; and if within said fifteen days a petition or petitions, signed by a number of the voters of the city, qualified to vote at city elections, equal to at least ten per cent of the number of registered voters of the city, requesting that the matter be submitted to the voters of the city, be filed with the city clerk, action by the board of aldermen shall be further stayed, and the matter shall be submitted to the voters at the next annual municipal election.

Appropriations to be made annually, etc.

Laying out,
etc., of streets.

SECTION 47. The board of aldermen, subject to the approval of the mayor, shall have exclusive power to order the laying out, locating anew or discontinuing of, or making specific repairs in, all streets and ways within the limits of the city, and to assess the damages sustained thereby. Any person aggrieved by the action of the board of aldermen hereunder shall have all the rights and privileges now by law allowed in similar cases in appeals from decisions of selectmen.

GRANTING OF FRANCHISES.

Granting of
franchises.

SECTION 48. No general public franchise shall be valid unless the same shall be submitted to the voters of the city, and be approved by a majority vote of the qualified voters of the city voting thereon at a municipal election.

Eligibility
to appoint-
ment.

SECTION 49. No person shall be eligible to appointment or election by the mayor or by the board of aldermen to any office of emolument the compensation of which is payable out of the city treasury, who at the time of such election or appointment is a member of the board of aldermen. No member of the board of aldermen shall act as counsel or attorney before the board of aldermen or any committee thereof.

THE MAYOR.

Mayor to be
chief executive
officer, etc.

SECTION 50. The mayor shall be the chief executive officer of the city, and the executive powers of the city, except as is otherwise provided herein, shall be vested in him, and shall be exercised by him, either personally or through the several officers and boards in their respective departments under his general supervision and control. The mayor shall not, in whole or in part, divert from the purpose, use or locality assigned to it by the board of aldermen any appropriations of moneys made by the city government.

Appointment
of certain city
officers, etc.

SECTION 51. The mayor shall appoint, subject to the approval of the board of aldermen, a chief of police, a city engineer, who shall be superintendent of streets and sewers, who shall have the powers of surveyors of highways and all the powers of road commissioners not herein otherwise conferred; a chief engineer of the fire department; a superintendent of public buildings, and a superintendent of fire alarms. Every administrative officer so appointed shall, unless sooner removed, hold office until his successor is ap-

pointed and qualified. Any officer so appointed under this section may be removed by the mayor, for such cause as he shall deem sufficient and shall assign in writing in his order of removal, and the removal shall take effect upon the filing of the order in the office of the city clerk and the service of a copy of such order upon the officer removed either personally or at his last or usual place of residence. The city clerk shall keep such order on file and subject to public inspection.

SECTION 52. The mayor shall communicate to the board of aldermen such information and recommend such measures as in his judgment the interests of the city shall require; shall cause the laws, ordinances and orders for the government of the city to be enforced, and shall secure an honest, efficient and economical conduct of the executive and administrative business of the city, and the harmonious and concerted action of the administrative and executive departments.

Mayor to make recommendations, etc.

SECTION 53. The mayor shall cause to be kept a record of all his official acts, and for that purpose and to aid him in his official duties he may appoint one or more clerks whose compensation shall be fixed by the board.

Record.

SECTION 54. The mayor shall cause to be made to him in the month of January of each year by the heads of departments, and by all other officers and boards having authority to expend money, detailed estimates of the amounts deemed by them to be necessary for their respective departments for the financial year; and he shall, not later than the first Monday in March, transmit such estimates to the board of aldermen, recommending such appropriations for each department or purpose as he shall deem necessary therefor.

Estimates, etc.

SECTION 55. The mayor shall annually require all boards and officers intrusted with the receipt and expenditure of public money, or with the care and custody of public property, to make particular and detailed statements thereof, and shall cause such statements to be published for the information of the citizens.

Statements of expenditures.

SECTION 56. The mayor may at any time appoint a suitable person or persons to examine, without notice, the books and accounts of any department, officer or employee of the city, and such persons shall receive such compensation as the mayor may determine, the same to be paid by the city.

Examination of books and accounts.

ADMINISTRATIVE OFFICERS.

Administrative
officers.

SECTION 57. The board of aldermen shall appoint, may remove and shall fix the salary, if any, of all administrative officers of the city, except as is otherwise provided herein. There shall be the following administrative officers, who shall perform the duties by law prescribed for them, respectively, and such further duties, not inconsistent with the nature of their respective offices and with general laws, as the board of aldermen may prescribe: a city clerk; a city treasurer, who may be collector of taxes; a city auditor; a city solicitor; a city messenger; a city physician; a city engineer, who shall be superintendent of streets and sewers, and who shall have the powers of surveyors of highways and all the powers of road commissioners not herein otherwise conferred; a board of assessors, consisting of three persons; five assistant assessors, one from each ward; a water commissioner; a park commissioner; a board of registrars of voters, consisting of three persons; a board of trustees of the public library, consisting of six persons; a board of trustees of the soldiers' burial lot, consisting of three persons; a board of commissioners of sinking funds, consisting of three persons; a board of overseers of the poor, consisting of three persons; a board of health, consisting of three persons, one of whom shall be a physician; a superintendent of public buildings, who shall be inspector of buildings; a superintendent of fire alarms, who shall be inspector of wires; a clerk of committees; a chief of police; a chief engineer of the fire department.

Administrative
officers to be
sworn, etc.

SECTION 58. All administrative officers shall be sworn by the mayor or city clerk to the faithful discharge of their respective duties, and certificates of their oaths shall be made and kept in the office of the city clerk; and all such boards and other officers shall keep a record of their official transactions. All fees, except witness fees, received by any administrative officer shall be paid into the city treasury. The terms of all administrative officers, except the city clerk, shall begin on the first Monday of March.

Bonds.

SECTION 59. The board of aldermen shall require the city treasurer, the city collector, the city auditor, and such other officers, whose election or appointment is provided for in the preceding sections, as are intrusted with the receipt, care or disbursement of money, to give bonds,

in such sums and with such sureties as shall be approved by the board of aldermen, for the faithful discharge of their respective duties, and may require said officers to renew their bonds from time to time.

SECTION 60. Every officer having charge of a department shall, at the request of the board of aldermen, appear before it, and give such information as it may require in relation to any matter, act or thing connected with the discharge of the duties of his office; and when so requested to appear he shall have the right to speak upon all matters under consideration relating to his department.

Certain officers to give information.

SECTION 61. The several boards and officers having charge of departments shall, within their respective departments, employ all labor, make and execute all necessary contracts, purchase all materials and supplies, and shall have the whole care, custody and management of all public works, institutions, buildings and other property. All contracts made in behalf of the city in which the amount involved exceeds two hundred dollars shall, in order to be valid, have the signature of the mayor, and except as is otherwise provided herein or by existing law, no expenditure shall be made or liabilities incurred for any purpose beyond the appropriations previously made therefor.

Employment of labor, etc.

SECTION 62. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made and no liability incurred by or in behalf of the city until the board of aldermen has duly voted an appropriation sufficient to meet such expenditure or liability, together with all prior liabilities which are payable therefrom, except that after the expiration of the financial year, and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one sixth of the total appropriation made for similar purposes in the preceding year.

Appropriation for a specific purpose not to be used for other purpose, except, etc.

SECTION 63. Neither the board of aldermen nor the school committee shall make or pass any order, resolution, or vote appropriating money in excess of five hundred dollars, or making or authorizing the making of any contract involving a liability on the part of the city in excess of five hundred dollars, unless the same is proposed in writing and notice is given by the city clerk in at least one newspaper of the city, not less than one week before its passage, except an order, resolution or vote for the im-

Notice to be given of vote, etc., appropriating money in certain cases.

mediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by vote of a majority of the whole board; and such notice shall be given as aforesaid upon the request of said board or of the school committee.

Fire limits,
etc.

SECTION 64. The board of aldermen shall have power to establish fire limits and from time to time to change or to enlarge the same, and to regulate by ordinance the construction of buildings erected within said fire limits, with lawful stipulations as to their situation, size and the material of which they shall be constructed, and may make other lawful rules and regulations to prevent damage by fire.

Salaries.

SECTION 65. The salary of the mayor shall be fifteen hundred dollars per annum, and the salary of each alderman five hundred dollars per annum, except that in case of a vacancy in the office of mayor the president of the board of aldermen shall be entitled to the salary of mayor while performing the duties of mayor. These salaries shall be payable in equal monthly instalments. Upon the petition of at least twenty-five per cent of the aggregate number of registered voters in the city, the question of increasing or decreasing the salaries of the mayor or the aldermen shall be printed upon the ballot at the next annual city election in substantially the following manner: "Shall the salary of the (mayor or aldermen) be increased or decreased to (the amount petitioned for) per annum?" and if the vote is in the affirmative, the increase or decrease shall take effect in the next municipal year thereafter. The members of the school committee shall receive no salary.

SCHOOL COMMITTEE.

School
committee,
how com-
posed, etc.

SECTION 66. The management and control of the public schools of the city and of the property pertaining thereto shall be vested in the school committee, consisting of the mayor, ex officio, and ten other members elected in accordance with the provisions of this act.

Organization
of school
committee,
etc.

SECTION 67. The school committee shall meet for organization on the Tuesday next after the first Monday in January in each year, and shall elect a chairman and a clerk by ballot. The committee shall be the judge of the election and qualification of its members except the mayor, and shall determine the rules for its proceedings. A majority of the whole number provided to be elected shall constitute a quorum for

the transaction of business, but a smaller number may adjourn from time to time. The members shall be sworn to the faithful discharge of their duties.

SECTION 68. The school committee shall elect a superintendent of schools, and may appoint such other subordinate officers and assistants as it may deem necessary for the proper discharge of its duties and the conduct of its business; shall define their terms of service and their duties and fix their compensation, and may suspend or discharge them at pleasure.

Superintendent of schools, etc.

SECTION 69. The school committee shall, in the month of January in each year, make an estimate in detail of the amount deemed by it necessary for its purposes during the succeeding financial year, and the mayor shall transmit the same with the estimates of the departments, to the board of aldermen, and shall recommend such appropriations as he shall deem necessary.

Estimate of expenditures for schools.

SECTION 70. Unless so authorized by law, the school committee shall cause no liability to be incurred and no expenditure to be made for any purpose beyond the specific appropriation which may be made therefor by the board of aldermen, except that after the expiration of the financial year and before the making of the annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one sixth of the total of the appropriation made for similar purposes in the preceding year.

No expenditure to be made beyond appropriation, etc.

SECTION 71. The school committee shall annually appoint one of their number to attend the meetings of the board of aldermen, and the member appointed for that purpose shall be entitled to a seat with said board, and shall have a right to discuss all matters relating to the school department, but without the right to vote.

Member of school committee to attend meeting of the board of aldermen.

SECTION 72. Whenever in the opinion of the school committee a schoolhouse is required or material alterations are needed, the committee shall send a communication to the mayor and board of aldermen, stating their reasons therefor.

Additional accommodations for schools.

SECTION 73. All regular meetings or sessions of the school committee shall be held in the evening and shall be open to the public. All votes of the committee, except elections, shall be by yeas and nays and shall be taken in public. A journal of its proceedings shall be kept, which journal shall be open to public inspection at all reasonable times.

Meeting of the school committee.

Site for school building.

SECTION 74. No site for a school building shall be acquired by the city, unless the approval of the site by the school committee is first obtained.

Approval of plans.

No plans for the construction of or alterations in a school building shall be accepted, and no work shall be begun on the construction or alteration of a school building, unless the approval of the school committee therefor is first obtained. Nothing herein contained shall require such approval for the making of ordinary repairs.

Certain provisions of law to apply.

SECTION 75. The general laws relating to the municipal indebtedness of cities, together with all special acts relative to the city of Chelsea, the general laws requiring the approval of the mayor to the doings of a city council and relative to the exercise of the veto power by the mayor of a city, and the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, being "An Act to improve the civil service of the commonwealth and the cities thereof", and all acts in amendment thereof, shall have full force, application and effect in the said city.

RECALL.

Recall.

SECTION 76. The holder of any elective office may be removed at any time by the voters qualified to vote at city elections, and the procedure to effect his removal shall be as follows: A petition signed by a number of the voters of the city qualified to vote at city elections, equal to at least twenty-five per cent of the aggregate number of registered voters in the city, and demanding an election of a successor of the person sought to be removed, shall be filed in the office of the city clerk. The petition shall contain a general statement of the grounds for removal. It need not be on one paper, but may consist of several distinct papers, each containing the said demand and substantially upon the same grounds; and all papers containing the said demand and statement, which in any one day shall be filed in the office of the city clerk, shall be deemed parts of the same petition. Each signer shall add to his signature his place of residence on the preceding first day of April, giving the street and street number, if any. One signer of every such paper shall make oath upon information and belief, before a notary public or a justice of the peace, that the statements therein made are true, and that each signature to such paper is the genuine signature of the person whose name it purports to be.

Within ten days after the petition is filed, the city clerk, ^{Recall.} with the assistance of the registrars of voters, shall examine the petition to ascertain whether or not it is signed by the requisite number of qualified voters as above described, and shall attach to the petition a certificate, showing the result of his examination. If, from the city clerk's certificate, the petition appears not to be signed by the requisite number of voters, it may be supplemented within ten days after the date of such certificate by other papers signed and sworn to as aforesaid, and all other papers containing a like demand and statement, and signed and sworn to as aforesaid, which shall be filed with the city clerk within the said ten days, shall be deemed supplemental to the original petition.

The city clerk shall, within ten days after such supplementation, make a like examination of the amended petition, and attach thereto a new certificate, and, if it appears from such new certificate that the petition is still insufficient as to the number of signers as aforesaid, it shall be returned to the person or persons filing the same, without prejudice, however, to the filing of a new petition to the same effect.

If the petition, as originally filed or as supplemented, shall be certified by the city clerk to be sufficient, he shall present the same to the board of aldermen without delay, and the board of aldermen shall call the election so demanded, and shall fix a date for holding the same, which shall be not less than thirty nor more than sixty days after the date of the presentation of the petition by the city clerk to the board. The board of aldermen shall make or cause to be made all arrangements for holding the election, and the same shall be held and conducted, returns thereof made and the result thereof declared in all respects as in the case of other city elections. The successor of any officer so removed shall hold the office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate at the said election, and unless he requests otherwise in writing, the city clerk shall place his name on the official ballots without nomination. The candidate receiving the highest number of votes shall be declared elected. If some person other than the incumbent receives the highest number of votes the incumbent shall thereupon be deemed to be removed from the office. In case a person, other than the incumbent, receiving the highest number of votes shall fail to make oath before the city clerk or a justice of the peace, within thirty days after his election, faithfully to perform the duties of the

office, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office until the end of the term which he was serving at the time of the said election, unless sooner removed therefrom by new and like proceedings. The name of no candidate, other than that of the person sought to be removed, shall be printed on the official ballots to be used at the said election, unless such candidate be nominated as hereinbefore provided, at a preliminary election for nomination.

INITIATIVE.

Initiative.

SECTION 77. If a petition, signed by a number of the voters of said city, qualified to vote at city elections, equal to at least twenty-five per cent of the aggregate number of registered voters in the city, and requesting the board of aldermen to pass a measure therein set forth or described, shall be filed in the office of the city clerk, the board of aldermen shall: *provided*, that said measure be one which the board of aldermen, after this act takes effect, have a legal right to pass, (a) pass said measure without alteration, within twenty days after the attachment of the city clerk's certificate of sufficiency to the petition, or (b) forthwith, after the expiration of twenty days after the attachment of the said certificate of sufficiency to the petition, call a special election, unless an annual city election is to occur within ninety days after the attachment of the certificate of sufficiency, and at such special election, or annual city election, submit the measure without alteration to the voters of the city qualified as aforesaid.

If, however, a petition otherwise like the above described petition, but signed by a number of qualified voters equal to at least ten per cent, but less than twenty-five per cent of the aggregate number of registered voters in the city, shall be filed as aforesaid, the board of aldermen shall (c) pass the measure therein set forth or described, without alteration, within twenty days after such attachment of the certificate of sufficiency, or (d) submit the same without alteration to the qualified voters of the city at the next annual city election.

The votes upon the measure at an annual city election or a special election shall be taken by ballot in answer to the question, "Shall the measure (stating the nature of the same) be passed?" which shall be printed on the ballots after the list of candidates, if there be any. If a majority of

the qualified voters voting on the proposed measure shall vote in favor thereof, it shall thereupon become a valid and binding measure of the city; and no such measure passed as aforesaid by the municipal council, upon petition as aforesaid, or which shall be adopted as aforesaid at any such annual city election or special election, shall be repealed or amended except by the qualified voters of the city voting at an annual city election or special election. Initiative.

Any number of measures requested by petition as aforesaid, may be voted upon at the same election in accordance with the provisions of this section, but there shall not be more than one special election in any period of six months for that purpose.

The board of aldermen may submit a proposition for the repeal of any such measure, or for amendments thereof, to be voted upon at any succeeding annual city election; and should the proposition so submitted receive a majority of the votes cast thereon at such election, the measure shall thereby be repealed or amended accordingly. The vote upon repeal or amendment at an annual city election shall be taken by ballot in answer to the question, "Shall the measure (stating the nature of the same) be repealed or amended (stating the nature of the amendment)?" which shall be printed on the ballots after the list of candidates, if there be any. Whenever any such measure or proposition is required by this act to be submitted at any election as aforesaid, the city clerk shall cause the same to be published once in each of the newspapers published in said city; such publication to be not more than twenty nor less than five days before the submission of the ordinance or proposition to be voted on.

Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the measure, the passage of which is requested, shall be set forth or described, and all such papers filed in any one day in the office of the city clerk shall be deemed to be parts of the same petition. The petitions shall be signed, sworn to as to signatures, examined, re-examined, presented to the board of aldermen, shall have the city clerk's certificate of sufficiency or insufficiency attached thereto, and may be supplemented in the same manner as petitions filed under section seventy-six.

Any measure, passed under the provisions of this section by the board of aldermen upon petition, or by the voters,

may prescribe such penalty for its violation as the municipal council, after this act takes effect, shall have a right to affix to a like measure for a breach thereof.

REFERENDUM.

Referendum.

SECTION 78. If, during the ten days next following the passage of a measure by the board of aldermen, a petition, signed by a number of the voters of said city, qualified to vote at city elections, equal to at least twenty-five per cent of the aggregate number of registered voters in the city and protesting against the passage of such measure, shall be filed in the office of the city clerk, the measure shall be suspended from going into operation, and it shall be the duty of the board of aldermen to reconsider the same; and if it is not wholly repealed, the board of aldermen shall submit it, as is provided in sub-division (b) of section seventy-seven, to the qualified voters of the city, and the said measure shall not go into effect or become operative unless a majority of the voters, qualified as aforesaid, voting on the same, shall vote in favor thereof. The votes upon the said measure at an annual city election or a special election shall be taken by ballot in answer to the question, "Shall the measure (stating the nature of the same) take effect?" which shall be printed on the ballots after the list of candidates, if there be any.

Petitions under the provisions of this section may consist of one or more distinct papers. In each of such papers the measure, the passage of which is protested, shall be set forth or described, and all such papers filed in any one day shall be deemed to be parts of the same petition. The petitions shall be signed, sworn to as to signatures, examined, re-examined, presented to the municipal council, shall have the city clerk's certificate of sufficiency or insufficiency attached thereto, and may be supplemented in the same manner as petitions filed under section seventy-six.

Validity of
petition.

SECTION 79. It shall not be necessary for the validity of any petition or statement provided for or required by the provisions of this act that any signer thereof add to his signature any residence other than the name of the street, and street number, if there be any, at which he resided on the previous first day of April.

HALLS TO BE FURNISHED FOR USE OF CANDIDATES.

SECTION 80. The municipal council upon the written request of a candidate or candidates at any election provided for in this act shall furnish for the use of such candidate or candidates a suitable hall or halls for the purpose of enabling him or them to address the citizens upon matters of public interest: *provided, however,* that nothing herein contained shall require the furnishing of a hall more than once to any one candidate in any one campaign.

Halls to be furnished for the use of candidates.

Proviso.

CIRCULARS TO BE SENT TO VOTERS.

SECTION 81. The municipal council shall cause a circular to be sent to every registered voter in the city at least three days before any election provided for in this act, stating the name, residence, age and occupation of every candidate and the public offices that he has held if any. A candidate may in a statement (not exceeding one hundred words) give his position or views upon any public measure that has been before the council or that may come before the council.

Circulars.

CORRUPT PRACTICES.

SECTION 82. Any person who shall perform services in the interest of a candidate for any office provided for in this act, in consideration of money or other valuable thing paid or to be paid for such services, shall be punished by a fine not exceeding three hundred dollars, or by imprisonment in the county jail for not more than thirty days.

Penalty for certain practices.

SECTION 83. Any candidate for office, or any officer who shall directly or indirectly give or promise any person or persons either money or any other valuable thing for services performed or to be performed in the interest of any candidate shall be punished by a fine not exceeding three hundred dollars, or be imprisoned in the county jail for not more than thirty days.

Same subject.

SECTION 84. General meetings of the qualified voters of the city may from time to time be held according to the right secured to the people by the constitution of the commonwealth, and such meetings may, and upon the request in writing of one hundred qualified voters setting forth the purpose thereof, shall be called by the board of aldermen.

General meetings of voters.

SECTION 85. All special acts and parts of special acts applying to the city of Chelsea inconsistent herewith are

Repeal.

Provisos.

hereby repealed, and all general acts and parts of general acts inconsistent herewith shall not hereafter apply to the city of Chelsea: *provided, however*, that this repeal shall not affect any act done or any right accruing or accrued or established, or any suit or proceeding had or begun in any civil case before the time when such repeal takes effect, and that no offences committed and no penalty or forfeitures incurred under the acts or parts of acts hereby repealed shall be affected by the repeal; and *provided, also*, that all persons who at the time when said repeal takes effect shall hold any office under said acts shall continue to hold the same according to the tenure thereof, except as is otherwise provided herein, and *provided, also*, that all ordinances of the city of Chelsea in force at the time when the said repeal takes effect, and not inconsistent with the provisions of this act, shall continue in force until the same are repealed or amended, and all officers elected under such ordinances shall continue in office according to the tenure thereof, except as is otherwise provided herein, and *provided, further*, that nothing herein contained shall in any way affect the civil service laws or regulations.

Time of
taking effect
of Part II.

SECTION 86. If Part II of this act be accepted, it shall take effect upon its acceptance for the annual city election to be held on the Tuesday following the second Monday of December in the year nineteen hundred and eleven, for the preliminary election for nominations, to be held, under the provisions of this part, on the third Tuesday preceding the aforesaid annual city election, for the statements of candidates and petitions accompanying statements of candidates to be filed by persons whose names are to be printed on the official ballots to be used at such preliminary election, and for all things which appertain and relate to said annual city election, preliminary election, statements of candidates and petitions accompanying statements of candidates; and it shall take effect for all other purposes at ten o'clock in the forenoon on the first Monday of January, in the year nineteen hundred and twelve.

PART III.

Questions to
be submitted
to voters, etc.

SECTION 1. This act shall be submitted to the registered male voters of the city of Chelsea at the state election in the year nineteen hundred and eleven. At said election the voters shall be entitled to vote primarily on the follow-

ing question: "Shall the Board of Control of this City be abolished and the present charter repealed?" and secondarily on the following question: "If the Board of Control be abolished and the present charter repealed, shall the new charter of this city be:

"Plan One: A municipal council to consist of five members," or

"Plan Two: The city government to consist of a mayor and nine aldermen."

If a majority of the ballots cast on the question shall be in favor of abolishing the board of control and repealing the present charter, the plan receiving the larger number of votes on the secondary question shall be adopted for the charter of the city of Chelsea. Plan One shall include all of the provisions of Part I of this act and if said Plan One is adopted, Part II of this act shall be inoperative. Plan Two shall include all of the provisions of Part II of this act, and if Plan Two is adopted, Part I of this act shall be inoperative. If on any ballot, the voter shall vote for both Plan One and Plan Two, so much of said ballot as refers to the secondary question shall not be counted.

SECTION 2. So much of this act as provides for the submission to the voters of the several questions set forth in section one of this part shall take effect upon its passage.

Time of
taking effect.

If Part I of this act shall be accepted, it shall take effect as set forth in section sixty-two of Part I.

If Part II of this act shall be accepted, it shall take effect as set forth in section eighty-six of Part II.

Approved July 15, 1911.

AN ACT RELATIVE TO THE APPOINTMENT OF RAILROAD AND RAILWAY INSPECTORS BY THE BOARD OF RAILROAD COMMISSIONERS.

Chap. 681

Be it enacted, etc., as follows:

Section one of Part I of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six is hereby amended by striking out the words "one thousand", in the nineteenth and twentieth lines, and inserting in place thereof the words: — seven hundred and fifty.

1906, 463, § 1,
of Part I
amended.

Approved July 15, 1911.

Chap.682 AN ACT TO PROVIDE FOR THE RETIREMENT OF JUSTICES OF DISTRICT, MUNICIPAL AND POLICE COURTS.

Be it enacted, etc., as follows:

Retirement of justices of certain courts.

SECTION 1. Any justice of a district, municipal or police court who shall have reached the age of seventy years, and who shall have served as a justice of such court for at least twenty consecutive years, may, with the approval of the governor and council, resign his office under the provisions of this section, and shall thereupon during the remainder of his natural life receive an amount equal to three fourths of the salary payable to him at the time of his resignation, to be paid in the same manner in which the salaries of acting justices are paid.

Repeal.

SECTION 2. So much of any act as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.
Approved July 15, 1911.

Chap.683 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GARDNER STATE COLONY.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are hereby appropriated for the maintenance of the Gardner state colony for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Gardner state colony.

From the receipts of said colony now in the treasury of the commonwealth, the sum of twenty-six hundred twelve dollars and sixty-four cents; and from the treasury of the commonwealth from the ordinary revenue, a sum not exceeding one hundred twenty-five thousand three hundred eighty-seven dollars and thirty-six cents.

SECTION 2. This act shall take effect upon its passage.
Approved July 15, 1911.

Chap.684 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE MONSON STATE HOSPITAL.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are hereby appropriated for the maintenance of the Monson state hos-

pital during the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

From the receipts of said hospital now in the treasury of the commonwealth, the sum of fourteen thousand seven hundred twenty-one dollars and twenty cents; and from the treasury of the commonwealth from the ordinary revenue, a sum not exceeding one hundred seventy-four thousand four hundred seventy-eight dollars and eighty cents.

Monson state hospital.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE WRENTHAM STATE SCHOOL. Chap. 685

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are hereby appropriated for the maintenance of the Wrentham state school for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Appropriations.

From the receipts of said school now in the treasury of the commonwealth, the sum of two hundred twenty-two dollars and thirty-eight cents; and from the treasury of the commonwealth from the ordinary revenue, a sum not exceeding sixty-eight thousand five hundred seventy-seven dollars and sixty-two cents.

Wrentham state school.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE BOSTON STATE HOSPITAL. Chap. 686

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are hereby appropriated for the maintenance of the Boston state hospital for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Appropriations.

From the receipts of said hospital now in the treasury of the commonwealth, the sum of twenty-seven thousand seven hundred seventeen dollars and three cents; and from the treasury of the commonwealth from the ordinary revenue, a sum not exceeding one hundred ninety-five thousand eight hundred eighty-two dollars and ninety-seven cents.

Boston state hospital.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

Chap.687 AN ACT MAKING AN APPROPRIATION FOR OPERATING THE SOUTH METROPOLITAN SYSTEM OF SEWAGE DISPOSAL.

Be it enacted, etc., as follows:

Appropriation,
south metro-
politan system
of sewage dis-
posal.

SECTION 1. A sum not exceeding one hundred and one thousand eight hundred dollars is hereby appropriated, to be paid out of the South Metropolitan System Maintenance Fund, for the cost of maintenance and operation of the south metropolitan system of sewage disposal, comprising a part of Boston, the cities of Newton and Waltham, and the towns of Brookline, Watertown, Dedham, Hyde Park and Milton, during the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven.

SECTION 2. This act shall take effect upon its passage.
Approved July 15, 1911.

Chap.688 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE STATE BOARD OF INSANITY.

Be it enacted, etc., as follows:

Appropriations, state
board
of insanity.

SECTION 1. The sums hereinafter mentioned are hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the state board of insanity, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Expenses.

For travelling, office and contingent expenses, including the printing and binding of the annual report, a sum not exceeding eight thousand dollars.

Salaries.

For salaries of officers and employees, a sum not exceeding thirty-nine thousand dollars.

Transportation, etc., of
state
paupers.

For transportation and medical examination of state paupers under the charge of the board, for the present year and for previous years, a sum not exceeding eleven thousand five hundred dollars.

Insane
paupers
boarded out,
etc.

For the support of insane paupers boarded out in families, under the charge of the board, or temporarily absent under authority of the same, for the present year and for previous years, a sum not exceeding forty-one thousand dollars.

Hospital
Cottages for
Children.

For the support of state paupers in the Hospital Cottages for Children, a sum not exceeding twelve thousand five hundred dollars.

For the expenses of an investigation as to the nature, causes, results and treatment of mental diseases and defects, and the publication of the results thereof, a sum not exceeding twenty-five hundred dollars.

Treatment of
mental
diseases.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE TAUNTON STATE HOSPITAL. Chap. 689

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are hereby appropriated for the maintenance of the Taunton state hospital for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Appropriations.

From the receipts of said hospital now in the treasury of the commonwealth, the sum of thirty-nine thousand one hundred eighty dollars and twenty-four cents; and from the treasury of the commonwealth from the ordinary revenue, a sum not exceeding one hundred ninety-seven thousand four hundred nineteen dollars and seventy-six cents.

Taunton state
hospital.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED. Chap. 690

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are hereby appropriated for the maintenance of the Massachusetts School for the Feeble-Minded for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Appropriations.

From the receipts of said school now in the treasury of the commonwealth, the sum of twenty thousand four hundred sixty-nine dollars and four cents; and from the treasury of the commonwealth from the ordinary revenue, a sum not exceeding two hundred fifty-eight thousand five hundred thirty dollars and ninety-six cents.

Massachusetts
School for
the Feeble-
minded.

For the city of Waltham for the annual assessment due from the commonwealth toward maintaining and operating a system of sewage disposal at the Massachusetts School for the Feeble-Minded, the sum of eight hundred twenty dollars and eighty-nine cents, as provided for in section

City of
Waltham.

three of chapter eighty-three of the acts of the year eighteen hundred and ninety-three.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

Chap.691 AN ACT MAKING AN APPROPRIATION FOR OPERATING THE NORTH METROPOLITAN SYSTEM OF SEWAGE DISPOSAL.

Be it enacted, etc., as follows:

Appropriation,
north metro-
politan system
of sewage dis-
posal.

SECTION 1. A sum not exceeding one hundred and fifty-two thousand eight hundred dollars is hereby appropriated, to be paid out of the North Metropolitan System Maintenance Fund, for the maintenance and operation of the system of sewage disposal for the cities included in what is known as the north metropolitan system, during the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

Chap.692 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE WORCESTER STATE HOSPITAL.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are hereby appropriated for the maintenance of the Worcester state hospital for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Worcester
state hospital.

From the receipts of said hospital now in the treasury of the commonwealth, the sum of seventy-three thousand four hundred eighty-seven dollars and nineteen cents; and from the treasury of the commonwealth from the ordinary revenue, a sum not exceeding two hundred twenty-nine thousand five hundred twelve dollars and eighty-one cents.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

Chap.693 AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS COMMISSION FOR THE BLIND.

Be it enacted, etc., as follows:

Appropriations,
Massachusetts
commission
for the blind.

SECTION 1. The sums hereinafter mentioned are hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for salaries and expenses of the Massachusetts commission for the blind

for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

For the maintenance of industries under the control of said commission, a sum not exceeding twenty-five thousand dollars. Maintenance of industries.

For general administration, furnishing information, industrial and educational aid and other expenses in carrying out the provisions of the act establishing said commission, a sum not exceeding twenty-five thousand dollars. General administration, etc.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE WESTBOROUGH STATE HOSPITAL. Chap.694

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are hereby appropriated for the maintenance of the Westborough state hospital for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: — Appropriations.

From the receipts of said hospital now in the treasury of the commonwealth, seventy-eight thousand two hundred fifty-nine dollars and ninety-four cents; and from the treasury of the commonwealth from the ordinary revenue, a sum not exceeding two hundred ten thousand seven hundred forty dollars and six cents. Westborough state hospital.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE MEDFIELD STATE ASYLUM. Chap.695

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are hereby appropriated for the maintenance of the Medfield state asylum for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: — Appropriations.

From the receipts of said asylum now in the treasury of the commonwealth, the sum of ninety-three hundred twenty-seven dollars and sixty-eight cents; and from the treasury of the commonwealth from the ordinary revenue, a sum not exceeding three hundred twenty-nine thousand four hundred twelve dollars and thirty-two cents. Medfield state asylum.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

Chap.696 AN ACT MAKING AN APPROPRIATION FOR OPERATING THE
METROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows:

Appropriation,
operating the
metropolitan
water system.

SECTION 1. A sum not exceeding four hundred nineteen thousand eight hundred dollars is hereby appropriated, to be paid out of the Metropolitan Water Maintenance Fund, for the maintenance and operation of the metropolitan water system for the cities and towns in what is known as the metropolitan water district, during the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

Chap.697 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE
OF THE NORTHAMPTON STATE HOSPITAL.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are hereby appropriated for the maintenance of the Northampton state hospital during the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Northampton
state hospital.

From the receipts of said hospital now in the treasury of the commonwealth, the sum of fifty-one thousand three hundred eighty-nine dollars and nineteen cents; and from the treasury of the commonwealth from the ordinary revenue, a sum not exceeding one hundred twenty-eight thousand six hundred ten dollars and eighty-one cents.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

Chap.698 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE
OF THE DANVERS STATE HOSPITAL.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are hereby appropriated for the maintenance of the Danvers state hospital for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Danvers state
hospital.

From the receipts of said hospital now in the treasury of the commonwealth, the sum of sixty-four thousand seven hundred sixteen dollars and ninety cents; and from the

treasury of the commonwealth from the ordinary revenue, a sum not exceeding two hundred ninety-three thousand nine hundred eighty-three dollars and ten cents.

SECTION 2. This act shall take effect upon its passage.
Approved July 15, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE Chap.699
OF THE WORCESTER STATE ASYLUM.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are hereby appropriated for the maintenance of the Worcester state asylum for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Appropriations.

From the receipts of said asylum now in the treasury of the commonwealth, the sum of ninety-two hundred seven dollars and eighty-five cents; and from the treasury of the commonwealth from the ordinary revenue, a sum not exceeding two hundred forty-eight thousand seven hundred ninety-two dollars and fifteen cents.

Worcester state asylum.

SECTION 2. This act shall take effect upon its passage.
Approved July 15, 1911.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE PRISON COMMISSIONERS, Chap.700
AND FOR SUNDRY REFORMATORY EXPENSES.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the prison commissioners, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Appropriations, prison commissioners.

For the salary of the chairman, four thousand dollars.

Chairman.

For the salary of the secretary, twenty-five hundred dollars.

Secretary.

For clerical assistance, a sum not exceeding forty-nine hundred dollars.

Clerical assistance.

For the salaries of agents, fifty-two hundred dollars.

Agents.

For travelling expenses, a sum not exceeding three thousand dollars.

Travelling expenses.

For incidental and contingent expenses, including the printing and binding of the annual report, a sum not exceeding twenty-eight hundred dollars.

Incidental expenses.

Assistance to
prisoners.

For assistance to prisoners discharged from the state prison, Massachusetts reformatory, prison camp and hospital, and to discharged female prisoners, a sum not exceeding eleven thousand dollars.

Agent for
aiding dis-
charged female
prisoners.

For the salary of the agent for aiding discharged female prisoners, one thousand dollars.

Removing
prisoners.

For expenses incurred in removing prisoners to and from state and county prisons, a sum not exceeding twenty-one hundred dollars.

Identification
of criminals.

For expenses in connection with the identification of criminals, a sum not exceeding seventeen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

Chap.701 AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE STATE PRISON.

Be it enacted, etc., as follows:

Appropriations, state
prison.

SECTION 1. A sum not exceeding one hundred and seventy-nine thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the maintenance of the state prison for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

Chap.702 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE REFORMATORY FOR WOMEN.

Be it enacted, etc., as follows:

Appropriation,
reformatory
for women.

SECTION 1. A sum not exceeding sixty-two thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the maintenance of the reformatory for women for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven.

Town of
Framingham.

For the town of Framingham, toward the annual expense of maintaining the system of sewage disposal at said reformatory, the sum of six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE BOARD OF EDUCATION, AND FOR SUNDRY EDUCATIONAL EXPENSES. *Chap. 703*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the board of education, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

For the salaries of the commissioner, deputy commissioners, assistants, agents, and for clerical and messenger services of said board, a sum not exceeding forty-four thousand dollars. *Commissioner, assistants, etc.*

For travelling expenses of commissioner, deputies, agents and assistants, a sum not exceeding five thousand dollars. *Travelling expenses.*

For rent of offices for the use of the board of education, a sum not exceeding thirty-three hundred dollars. *Rent of offices.*

For incidental expenses of the board, the travelling and other necessary expenses of the members thereof, and for obtaining information regarding educational methods in other states, a sum not exceeding six thousand dollars. *Incidental expenses, etc.*

For printing and binding the annual report, a sum not exceeding thirty-five hundred dollars. *Annual report.*

SUPPORT OF STATE NORMAL SCHOOLS.

Bridgewater, a sum not exceeding fifty-four thousand eight hundred and twenty-six dollars. *Normal school, Bridgewater.*

Fitchburg, a sum not exceeding forty-three thousand eight hundred and twenty dollars. *Fitchburg.*

Framingham, a sum not exceeding forty-five thousand one hundred and fifty-five dollars. *Framingham.*

Hyannis, a sum not exceeding twenty-four thousand nine hundred and sixty dollars. *Hyannis.*

Lowell, a sum not exceeding thirty-four thousand one hundred and twenty-seven dollars. *Lowell.*

North Adams, a sum not exceeding thirty-seven thousand six hundred and ninety-five dollars. *North Adams.*

Salem, a sum not exceeding forty-six thousand seven hundred and ninety-seven dollars. *Salem.*

Westfield.	Westfield, a sum not exceeding thirty-three thousand eight hundred and thirty dollars.
Worcester.	Worcester, a sum not exceeding forty-one thousand three hundred and seventy-nine dollars.
Normal art school.	Normal art school, a sum not exceeding thirty-eight thousand three hundred and fifteen dollars.
Aid to pupils.	For aid to pupils in state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual instalments, to be expended under the direction of the board of education.
Teachers' institutes.	For expenses of teachers' institutes, a sum not exceeding two thousand dollars.
Massachusetts Teachers' Association.	For the Massachusetts Teachers' Association, the sum of three hundred dollars, subject to the approval of the board of education.
County teachers' associations.	For expenses of county teachers' associations, a sum not exceeding seven hundred dollars.
School superintendents.	To enable small towns to provide themselves with school superintendents, a sum not exceeding eighty-eight thousand dollars.
Education of deaf pupils.	For the education of deaf pupils of the commonwealth in the schools designated by law, for the present year and for previous years, a sum not exceeding one hundred and fifteen thousand dollars.
School registers, etc.	For school registers and other school blanks for the towns and cities, a sum not exceeding two thousand dollars.
Perkins Institution and Massachusetts School for the Blind.	For the Perkins Institution and Massachusetts School for the Blind, as provided by chapter nineteen of the resolves of the year eighteen hundred and sixty-nine, the sum of thirty thousand dollars.
Tuition of certain children.	For the payment of tuition of children in high schools outside of the town in which they live, as provided by section three of chapter forty-two of the Revised Laws, as amended by chapter four hundred and thirty-three of the acts of the year nineteen hundred and two, for the present year and for previous years, a sum not exceeding seventy thousand dollars. And there also may be paid from this amount such sum as may be necessary for transportation to and from school of children living upon islands within the commonwealth not provided with schools.
Instruction of adult blind.	To provide for the instruction of the adult blind at their homes by the Perkins Institution and Massachusetts School for the Blind, the sum of five thousand dollars.

For furnishing school committees with rules for testing the sight and hearing of pupils, a sum not exceeding eight hundred dollars. Rules for testing sight, etc.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

AN ACT MAKING AN APPROPRIATION FOR MAINTAINING THE PRISON CAMP AND HOSPITAL. Chap. 704

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding forty-six thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for salaries and expenses at the prison camp and hospital, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven. Appropriation, prison camp and hospital.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE MASSACHUSETTS REFORMATORY. Chap. 705

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding two hundred and thirty-seven thousand nine hundred dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the maintenance of the Massachusetts reformatory for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven. Appropriation, Massachusetts reformatory.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE FOXBOROUGH STATE HOSPITAL. Chap. 706

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated for the maintenance of the Foxborough state hospital for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: — Foxborough state hospital.

From the receipts of said hospital now in the treasury of the commonwealth, the sum of eighty-one hundred twenty dollars and seventy-five cents; and from the treasury of Appropriations.

the commonwealth from the ordinary revenue, a sum not exceeding ninety-one thousand one hundred seventy-nine dollars and twenty-five cents.

SECTION 2. This act shall take effect upon its passage.

Approved July 15, 1911.

Chap.707 AN ACT TO AUTHORIZE THE TOWN OF HANOVER TO PROCURE WATER FROM THE TOWNS OF ROCKLAND AND ABINGTON.

Be it enacted, etc., as follows:

Water supply
for the town
of Hanover.

SECTION 1. The contracts for the supply of water which the town of Hanover is authorized by chapter two hundred and forty-eight of the acts of the year nineteen hundred and eleven to make with any adjoining town, may be made with any adjoining or neighboring town or towns including the towns of Rockland and Abington.

Certain other
towns may
supply the
water.

SECTION 2. The towns of Rockland and Abington, acting jointly, are authorized to furnish from the joint water supply of the said towns to the town of Hanover, or to the inhabitants thereof, a supply of water for the extinguishment of fires and for domestic, manufacturing and other purposes.

Time of taking
effect.

SECTION 3. This act shall take effect upon its acceptance by a majority vote of the voters of the towns of Rockland and Abington present and voting thereon at a legal town meeting called for that purpose in each of the said towns within three years after the passage of this act; but the number of meetings so called in either of the said towns shall not exceed three; and for the purpose of being submitted to the voters as aforesaid this act shall take effect upon its passage.

Approved July 15, 1911.

Chap.708 AN ACT TO AUTHORIZE THE MAKING OF APPROPRIATIONS FOR INCREASING THE PRESENT SALARIES OF THE TEACHERS IN THE PUBLIC SCHOOLS OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1898, 400, § 1,
etc., amended.

SECTION 1. Section one of chapter four hundred of the acts of the year eighteen hundred and ninety-eight, as amended by section one of chapter four hundred and forty-eight of the acts of the year nineteen hundred and one, by section one of chapter one hundred and seventy of the acts of the year nineteen hundred and three, by section one of chapter two hundred and five of the acts

of the year nineteen hundred and six, and by section one of chapter three hundred and eighty-eight of the acts of the year nineteen hundred and nine, is hereby further amended by striking out the said section and inserting in place thereof the following:—*Section 1.* The school committee of the city of Boston, in each year, by vote of four fifths of all its members, taken by yeas and nays, may make an appropriation in one sum for constructing and furnishing new school buildings, including the taking of land therefor, and for school yards, and the preparing of school yards for use, and may also make an appropriation in one sum for repairs and alterations of school buildings, and may make such other appropriations by items for the support of the public schools as it deems necessary. The total amount thus to be appropriated for the public schools of the city and their support, in addition to the money which may be given therefor, the income collected, the balance of appropriations of preceding years, and the money which may be authorized by acts of the general court passed prior to the year nineteen hundred and eleven and not repealed, shall not exceed the following sums for the periods specified, to wit:—for the financial year ending on the thirty-first day of January, nineteen hundred and thirteen, three dollars and eighty cents, for the financial year ending on the thirty-first day of January, nineteen hundred and fourteen, three dollars and ninety cents, for the financial year ending on the thirty-first day of January, nineteen hundred and fifteen, and for each financial year thereafter, three dollars and ninety-five cents upon each one thousand dollars of the valuation on which the appropriations of the city council are based; and the amounts which may so be raised shall be appropriated by the school committee as aforesaid, and shall be a part of and be met by taxes within the tax limit; and of said amounts not less than forty cents upon every such one thousand dollars shall be appropriated solely for new school buildings, lands, yards and furnishings as aforesaid, and not less than twenty-five cents upon every such one thousand dollars shall be appropriated solely for repairs and alterations of school buildings.

Appropriations
by the school
committee of
Boston.

SECTION 2. Said chapter four hundred of the acts of the year eighteen hundred and ninety-eight as amended is also further amended by inserting after section one thereof the following new section:—*Section 2.* Of the appropriations which the school committee is authorized

1898,400,
§ 2 added.

Amounts to be
appropriated
for the

purpose of
increasing
salaries of
certain school
teachers.

by section one of this act to make for the support of the public schools, a sum equalling ten cents for the financial year ending on the thirty-first day of January in the year nineteen hundred and thirteen, a sum equalling twenty cents for the financial year ending on the thirty-first day of January in the year nineteen hundred and fourteen, and a sum equalling twenty-five cents for each financial year thereafter, upon each one thousand dollars of the valuation on which the appropriations of the city council are based, shall wholly be appropriated by said school committee for the purpose of increasing the present salaries of the teachers in the public schools of the city, and nothing contained in any statute heretofore enacted shall prevent the school committee from putting such increases into effect when the funds therefor shall become available under the provisions of this act.

SECTION 3. This act shall take effect upon its passage.

Approved July 15, 1911.

Chap.709 AN ACT RELATIVE TO HEALTH DISTRICTS, AND TO INSPECTORS OF HEALTH OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Gathering
information
relative to the
prevalence of
tuberculosis.

The state board of health for the purpose of gathering all information possible concerning the prevalence of tuberculosis and other diseases dangerous to the public health and of carrying out the provisions of chapter five hundred and thirty-seven of the acts of the year nineteen hundred and seven, and of acts in amendment thereof, may expend out of the treasury of the commonwealth annually for salaries and other expenses, in addition to the sum now authorized, a sum not exceeding six thousand dollars.

Approved July 15, 1911.

Chap.710 AN ACT TO ESTABLISH THE SALARY OF JOSEPH R. McCOOLE, ASSISTANT REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF NORFOLK.

Be it enacted, etc., as follows:

Salary of the
assistant
register of
probate, etc.,
county of
Norfolk,
established.

SECTION 1. Joseph R. McCoole, assistant register of probate and insolvency for the county of Norfolk, shall receive a salary of sixteen hundred and fifty dollars a year, payable from the treasury of the commonwealth, to be so allowed from the beginning of the present fiscal year.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved July 15, 1911.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF A HIGHWAY Chap. 711
IN THE COUNTIES OF BERKSHIRE AND HAMPSHIRE.

Be it enacted, etc., as follows:

SECTION 1. The Massachusetts highway commission is hereby authorized to expend the sum of ten thousand dollars during the present year in the construction and improvement of the highway between the present easterly terminus of the state highway in the town of Dalton and the present westerly terminus of the state highway in the town of Goshen, in order that said way may be made safe and convenient for public travel. Neither said way nor any part thereof shall thereby become a state highway, but the way shall be maintained and kept in good repair by the town or towns in which it is situated until such time as it shall become a state highway. This act shall not be construed as prohibiting the laying out and construction of said way or any part thereof as a state highway under the laws applicable thereto whenever said commission shall deem it expedient so to do. Any unexpended balance of the sum hereby authorized to be expended may be used in the succeeding year for the same purpose.

Improvement of a certain highway in the counties of Berkshire and Hampshire.

SECTION 2. For the purpose of meeting the expenditures authorized by this act, the treasurer and receiver general is hereby empowered to issue bonds or certificates of indebtedness to an amount not exceeding five thousand dollars, in the manner provided by section two of chapter six hundred and sixteen of the acts of the year nineteen hundred and eight, and said commission may expend in addition the sum of five thousand dollars out of any appropriation made during the present year for the maintenance of state highways. The provisions of section twelve of chapter forty-seven of the Revised Laws shall apply to all expenditures made under authority of this act.

Treasurer and receiver general may issue bonds, etc.

SECTION 3. This act shall take effect upon its passage.

Approved July 17, 1911.

Chap.712 AN ACT TO AUTHORIZE THE RESTORATION OF THOMAS P. ROCHE TO A POSITION IN THE STREET DEPARTMENT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Thomas P.
Roche.

SECTION 1. Thomas P. Roche, who was formerly employed in the street department of the city of Boston, may be restored to a position in the street department by the superintendent of public works for said city, without undergoing a civil service examination.

SECTION 2. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the eleventh day of July, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap.713 AN ACT TO AUTHORIZE THE CITY OF QUINCY TO BORROW MONEY FOR THE DEVELOPMENT OF ITS WATER FRONT.

Be it enacted, etc., as follows:

City of Quincy
Water Front
Loan, Act of
1911.

SECTION 1. The city of Quincy, for the purpose of developing its water front, is hereby authorized to take by right of eminent domain, or to acquire by purchase or otherwise, lands, structures and easements in land or water, and to construct piers, floats, wharves, and approaches thereto. For this purpose the city may expend a sum not exceeding one hundred thousand dollars, and may issue notes or bonds to that amount outside of the statutory debt limit of the city. The said notes or bonds shall bear upon their face the words, City of Quincy Water Front Loan, Act of 1911; shall be payable in periods not exceeding thirty years from the dates of issue; shall bear interest at a rate not exceeding four per cent per annum; and shall be signed by the treasurer and countersigned by the mayor of the city.

Payment of
loan.

SECTION 2. At the time of authorizing the said loan the city council shall provide for the payment thereof in such annual proportionate sums as will extinguish the same within the time prescribed herein; and when a vote to that effect has been passed, the sum required to meet the interest as it accrues on the said notes or bonds and the principal due in each year shall annually be assessed and collected

in the same manner in which the other taxes of the city are assessed and collected.

SECTION 3. This act shall take effect upon its acceptance by the city council of the city of Quincy. When to take effect.

Approved July 18, 1911.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE STATE BOARD OF AGRICULTURE, AND FOR SUNDRY AGRICULTURAL EXPENSES. Chap. 714

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the state board of agriculture, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit:— Appropriations, board of agriculture.

For the salary of the secretary, twenty-five hundred dollars. Secretary.

For the salary of the first clerk, eighteen hundred dollars. First clerk.

For the salary of the second clerk, fourteen hundred dollars. Second clerk.

For travelling and other necessary expenses of the secretary, a sum not exceeding five hundred dollars. Expenses of the secretary.

For additional clerical assistance and for lectures before the board at its annual and other meetings, a sum not exceeding eight hundred dollars. Clerical assistance.

For printing and binding the annual report, a sum not exceeding six thousand dollars. Annual report.

For incidental and contingent expenses, including the printing and furnishing of extracts from trespass laws, a sum not exceeding eleven hundred dollars. Incidental expenses, etc.

For travelling and other necessary expenses of the members, a sum not exceeding thirteen hundred dollars. Expenses of members.

For disseminating useful information in agriculture by means of lectures at farmers' institutes, a sum not exceeding five thousand dollars. Farmers' institutes.

For bounties to agricultural societies, a sum not exceeding eighteen thousand dollars. Bounties.

For bounty to encourage and improve the breeding of poultry, the sum of one thousand dollars. Breeding of poultry.

For the encouragement of orcharding, the sum of five hundred dollars. Orcharding.

DAIRY BUREAU.

Executive officer of dairy bureau.
General agent.
Assistants, etc.

For the salary of the executive officer, five hundred dollars.
For the salary of a general agent, eighteen hundred dollars.
For assistants, experts, chemists, agents and other necessary expenses, including the printing of the annual report, a sum not exceeding eight thousand dollars.

MISCELLANEOUS.

State nursery inspectors.

For compensation and expenses of the state nursery inspectors, a sum not exceeding two thousand dollars.

Ornithologist.

For the salary of the state ornithologist, five hundred dollars.

Expenses of ornithologist.

For travel and other necessary expenses of the state ornithologist, a sum not exceeding five hundred dollars.

CATTLE BUREAU.

Chief of cattle bureau.

For the salary of the chief, eighteen hundred dollars.

Clerk.

For the salary of the clerk, twelve hundred dollars.

Expenses.

For travelling and other expenses, including extra clerks and stenographers, stationery, and for the printing and binding of the annual report, a sum not exceeding forty-five hundred dollars.

Inspectors of animals.

For compensation of inspectors of animals, a sum not exceeding seventy-seven hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved July 18, 1911.

Chap.715 AN ACT MAKING AN APPROPRIATION FOR EXTERMINATING DISEASES AMONG HORSES, CATTLE AND OTHER ANIMALS.

Be it enacted, etc., as follows:

Appropriation, exterminating diseases among cattle, etc.

SECTION 1. A sum not exceeding one hundred thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the extermination of contagious diseases among horses, cattle and other animals for the present year and for previous years.

SECTION 2. This act shall take effect upon its passage.

Approved July 18, 1911.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE STATE BOARD OF CHARITY, AND FOR SUNDRY CHARITABLE EXPENSES. *Chap. 716*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the state board of charity and for sundry charitable expenses, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

STATE BOARD OF CHARITY.

For expenses, including travelling of members and salaries and expenses in the board's central office, a sum not exceeding seventeen thousand dollars. Appropriations.
State board of charity, expenses.

For printing and binding the annual report, a sum not exceeding twenty-four hundred dollars. Annual report.

For salaries and expenses in the division of state adult poor, a sum not exceeding fifty-four thousand three hundred and sixty-five dollars. Adult poor.

For salaries and expenses in the division of state minor wards, a sum not exceeding sixty-eight thousand one hundred dollars. State minor wards.

For travelling and other necessary expenses of the auxiliary visitors of the board, a sum not exceeding twelve hundred dollars. Auxiliary visitors.

MISCELLANEOUS CHARITABLE.

For transportation of state paupers under charge of the state board of charity, including transportation of prisoners released on probation from the state farm, and travelling and other expenses of probation visitors, for the present year and for previous years, a sum not exceeding sixteen thousand dollars. Transportation of state paupers.

For care and maintenance of indigent and neglected children and juvenile offenders, for the present year and for previous years, to include expenses in connection with the same, a sum not exceeding four hundred and twenty-nine thousand dollars. Indigent and neglected children.

For expenses in connection with smallpox and other diseases dangerous to the public health, for the present year and for previous years, a sum not exceeding sixty-seven thousand dollars. Dangerous diseases.

Tuition of
certain
children.

For tuition in the public schools, including transportation to and from said schools, of children boarded or bound out by the state board of charity, for the present year and for previous years, a sum not exceeding thirty-five thousand dollars.

Sick state
paupers.

For the support of sick state paupers by cities and towns, for the present year and for previous years, the same to include cases of wife settlement, a sum not exceeding sixty-four thousand dollars.

Burial of
state paupers.

For the burial of state paupers by cities and towns, for the present year and for previous years, a sum not exceeding eleven thousand dollars.

Temporary
aid, etc.

For temporary aid for state paupers and shipwrecked seamen by cities and towns, for the present year and for previous years, a sum not exceeding forty-seven thousand dollars.

Unsettled
pauper
infants.

For the support and transportation of unsettled pauper infants in this commonwealth, including infants in infant asylums, for the present year and for previous years, a sum not exceeding sixty-three thousand dollars.

SECTION 2. This act shall take effect upon its passage.
Approved July 18, 1911.

Chap.717 AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH THE ESTABLISHMENT OF LIFE INSURANCE DEPARTMENTS BY SAVINGS BANKS.

Be it enacted, etc., as follows:

Appropriations, life insurance departments in savings banks.

SECTION 1. A sum not exceeding fifteen thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses in connection with the establishment of life insurance departments by savings banks for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven.

SECTION 2. This act shall take effect upon its passage.
Approved July 18, 1911.

Chap.718 AN ACT MAKING APPROPRIATIONS FOR PURCHASING PAPER, PRINTING AND BINDING PUBLIC DOCUMENTS, PRINTING AND DISTRIBUTING BALLOTS AND FOR OTHER PURPOSES.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth

from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

For printing and binding public documents, a sum not exceeding nineteen thousand dollars. Public documents.

For printing the pamphlet edition of the acts and resolves of the present year, a sum not exceeding fifty-five hundred dollars. Pamphlet edition of acts, etc.

For printing and binding the blue book edition of the acts and resolves of the present year, a sum not exceeding nine thousand dollars. Blue book.

For the newspaper publication of the general laws and information intended for the public, a sum not exceeding five hundred dollars. Publication of laws.

For reports of decisions of the supreme judicial court, a sum not exceeding three thousand dollars. Reports of decisions, etc.

For the purchase of paper used in the execution of the contract for the state printing, a sum not exceeding fifty thousand dollars. Purchase of paper.

For registration books and blanks, indexing returns and editing registration report, a sum not exceeding five thousand dollars. Registration books, etc.

For printing and distributing ballots, a sum not exceeding ten thousand dollars. Printing, etc., ballots.

For blanks for town officers, election laws and blanks and instructions on all matters relating to elections, expense of advertising the state ticket, a sum not exceeding four thousand dollars. Blanks for town officers, etc.

SECTION 2. This act shall take effect upon its passage.
Approved July 18, 1911.

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE Chap.719
OF THE PENIKESE HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding eleven thousand two hundred and eighty-five dollars is hereby appropriated, to be paid out of the treasury of the commonwealth, from the ordinary revenue, for the maintenance of the Penikese hospital for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven. Appropriation, Penikese hospital.

SECTION 2. This act shall take effect upon its passage.
Approved July 18, 1911.

Chap.720 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE STATE LIBRARY.

Be it enacted, etc., as follows:

Appropriations, state library.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the state library, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Librarian.

For the salary of the librarian, four thousand dollars.

Books, etc.

For books, binding, cataloguing and indexing, a sum not exceeding ten thousand dollars.

Clerical services, etc.

For clerical services, for the accommodation of visitors and for any other service required for the care, maintenance and working of the library, a sum not exceeding eleven thousand and ten dollars.

Incidental expenses.

For incidental expenses, including the printing and binding of the annual report, a sum not exceeding twenty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved July 18, 1911.

Chap.721 AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE BOARD OF FREE PUBLIC LIBRARY COMMISSIONERS.

Be it enacted, etc., as follows:

Appropriations, board of free public library commissioners.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the free public library commissioners for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Agent.

For the salary of the agent of said commissioners, the sum of sixteen hundred dollars.

Free public libraries.

To carry out the provisions of the act to promote the establishment and efficiency of free public libraries, a sum not exceeding two thousand dollars.

Clerical assistance, etc.

For clerical assistance to and incidental expenses of the commissioners, a sum not exceeding three thousand dollars.

Annual report.

For printing and binding the annual report, a sum not exceeding three hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved July 18, 1911.

AN ACT TO PROVIDE FOR THE BETTER PREVENTION OF FOREST FIRES. *Chap. 722*

Be it enacted, etc., as follows:

SECTION 1. The state forester is hereby empowered to appoint an assistant to be known as the state fire warden, whose special duty it shall be to aid and advise the forest wardens and their deputies in towns and the municipal officers exercising the functions of forest wardens in cities, in preventing and extinguishing forest fires and in enforcing the laws relative to forest fires, and may from time to time designate not more than fifteen deputies to aid such state fire warden in the discharge of his duties. Better prevention of forest fires.

SECTION 2. The state fire warden appointed under the terms of section one shall report annually upon his work and upon the forest fires occurring in the commonwealth, and his report shall be included in and be printed as a part of the state forester's annual report. The state fire warden to report annually.

SECTION 3. The deputies of the fish and game commissioners shall report to the state fire warden the situation and extent of any forest fire occurring within the district to which they are assigned, and they shall report to him monthly their doings under chapter two hundred and ninety-nine of the acts of the year nineteen hundred and seven. Duties of deputies of fish and game commissioners.

SECTION 4. The sum of ten thousand dollars is hereby appropriated to carry out the provisions of this act during the year nineteen hundred and eleven. Expenditures.

SECTION 5. This act shall take effect upon its passage.

Approved July 18, 1911.

AN ACT TO PROVIDE FOR A SUPERVISORY NIGHT WATCH AND FIRE ALARM SERVICE IN THE STATE HOUSE. *Chap. 723*

Be it enacted, etc., as follows:

SECTION 1. A supervisory night watch and fire alarm service may be established in the state house, under the direction of the state house commission, if the commission deems it advisable, providing that the same is installed without expense to the commonwealth; and there shall be allowed annually from the treasury of the commonwealth for the maintenance of the said service, a sum not exceeding one thousand dollars. Supervisory night watch, etc., in the state house.

SECTION 2. This act shall take effect upon its passage.

Approved July 18, 1911.

Chap.724 AN ACT MAKING APPROPRIATIONS FOR CONTINUING THE PUBLICATION OF THE PROVINCE LAWS.

Be it enacted, etc., as follows:

Appropriations, publication of province laws.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purpose of completing the preparation and publication of the acts and resolves of the province of Massachusetts Bay, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

- Editor. For the salary of the editor, two thousand dollars.
- Chief clerk. For the salary of the chief clerk, fifteen hundred dollars.
- Clerical services, etc. For clerical services and a messenger, a sum not exceeding thirty-four hundred dollars.
- Stationery, etc. For stationery, postage, travelling and other expenses, a sum not exceeding one hundred and fifty dollars.
- Printing and binding. For printing and binding such volumes as may be completed, a sum not exceeding twenty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

SECTION 2. This act shall take effect upon its passage.
Approved July 18, 1911.

Chap.725 AN ACT RELATIVE TO THE RETIREMENT OF CERTAIN VETERANS IN THE SERVICE OF THE CITY OF MALDEN.

Be it enacted, etc., as follows:

Retirement of veterans in the city of Malden.

SECTION 1. A veteran of the civil war in the service of the city of Malden, if incapacitated for active duty, may be retired from active service, with the consent of the mayor, at one half the rate of compensation paid to him at the time of his retirement, to be paid out of the treasury of the city: *provided*, that no veteran shall be entitled to be retired under the provisions of this act unless he shall have been in the service of the city for at least fifteen years.

Proviso.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed so far as they affect the city of Malden.

Repeal.

Time of taking effect.

SECTION 3. This act shall take effect upon its acceptance by the city council of the city of Malden.
Approved July 19, 1911.

AN ACT TO INCORPORATE THE BOARD OF TRADE OF THE CITY *Chap. 726*
OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1. Thomas S. Childs, Nathan P. Avery, William H. Bullard, Martin P. Conway, Abraham Davis, Emil F. Dreicorn, Thomas J. Gibson, Ashton E. Hemphill, Edward L. Lyman, Frank H. Metcalf, Frederick A. McLane, Frank F. O'Neill, John O'Shea, Arthur J. Osborne, John Parfitt, Adelard M. Potvin, Caspar Ranger, Henry L. Russell, Henry G. Sears, Jesse E. Sheldon, Arthur L. Williston, J. Lewis Wyckoff and John J. White, their associates and successors, are hereby made a corporation by the name of the Board of Trade of the City of Holyoke.

Board of
Trade of the
City of
Holyoke
incorporated.

SECTION 2. The purpose of the corporation shall be to promote the commerce, trade, industry and public interests of the city of Holyoke, and New England; to promote and regulate a commercial exchange in the city of Holyoke, and to acquire and disseminate business information; to adjust controversies and misunderstandings; to establish and maintain uniformity in commercial usages; and to promote just and equitable principles of trade.

Purpose of the
corporation.

SECTION 3. The corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force, applicable to such corporations and not inconsistent with this act.

Powers and
privileges, etc.

SECTION 4. The corporation shall have power to establish suitable by-laws, to carry out all powers hereby granted, including provisions as to the admission, suspension and expulsion of members, and a delegation of power to officers, committees and directors.

By-laws, etc.

SECTION 5. The management and control of the property and affairs of said corporation, subject to its by-laws, shall be vested in a board of twenty directors, who shall be elected as may be provided in the by-laws which shall be adopted by the corporation and there shall be such other officers with such duties as the by-laws may prescribe.

Board of
directors, etc.

SECTION 6. The corporation is hereby authorized to hold real and personal estate to the amount not exceeding fifty thousand dollars, with authority to sell, purchase, mortgage, lease or rent the same or any part thereof.

Holding of real
and personal
estate.

SECTION 7. This act shall take effect upon its passage.

Approved July 19, 1911.

Chap. 727 AN ACT TO REGULATE THE BUSINESS OF MAKING SMALL LOANS.*Be it enacted, etc., as follows:*

Supervisor of
loan agencies,
appointment,
etc.

SECTION 1. There is hereby established the office of supervisor of loan agencies. The term of the office shall be for three years, and the supervisor shall be appointed by the governor, with the advice and consent of the council. His salary shall be twenty-five hundred dollars a year. He shall be furnished with an office in the state house, or elsewhere, and shall be allowed such sums for necessary expenses and for clerical assistance as may be approved by the governor and council. He shall annually on or before the first Wednesday of January transmit to the secretary of the commonwealth a report to the general court of his doings, with such recommendations and suggestions as he may deem necessary.

Duties of
district police,
etc.

SECTION 2. It shall be the duty of the district police and of the police of the cities and towns of the commonwealth to carry out the directions of the supervisor in enforcing the provisions of this act, and of any regulations made hereunder by him.

The supervisor
to have
supervision of
the business of
making small
loans.

SECTION 3. No person, partnership, corporation, or association shall directly or indirectly engage in the business of making loans of three hundred dollars or less, if the amount to be paid on any such loan, for interest and expenses, exceeds in the aggregate an amount equivalent to twelve per cent per annum upon the sum loaned, without first obtaining from the supervisor of loan agencies a license to carry on the said business in the city or town in which the business is to be transacted.

Regulations
regarding
the granting
of licenses.

SECTION 4. The supervisor shall, from time to time, establish regulations respecting the granting of licenses and the business carried on by the licensees, and by loan companies and associations established by special charter. He shall either personally, or by such assistants as he may designate, at least once a year, and oftener if he deems it necessary, investigate the affairs of such licensees, companies and associations and for that purpose shall have free access to the vaults, books and papers thereof, and shall ascertain the condition of the business, and whether it has been transacted in compliance with the provisions of law and the regulations made hereunder. The supervisor may, if he deems it expedient, cause an examination of the said books

and business to be made by an accountant whom he may select, and the cost of any such examination shall be paid by the person, corporation or association whose books are so examined.

SECTION 5. All persons, corporations and associations under his supervision shall annually, on the first day of November, make a return to the supervisor in the form of a trial balance of their books at the close of business on the thirtieth day of September preceding, and shall specify the different kinds of liabilities and the different kinds of assets, together with such other information as may be called for by the supervisor in accordance with a blank form to be furnished by him. A copy of such returns, or so much thereof as the supervisor may deem necessary, shall be forwarded with his annual report to the general court.

Returns to be made to the supervisor, etc.

SECTION 6. The supervisor may summon said licensees, companies or associations, or any of their agents or employees, and such other witnesses as he deems necessary, and examine them relative to their transactions and to the condition of their business, and for that purpose may administer oaths. Whoever, without justifiable cause, refuses to appear and testify when so required, or obstructs the supervisor or his representatives in the performance of their duties, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

Examination of licensees, etc.

SECTION 7. The supervisor shall establish the rate of interest to be collected, and in fixing said rate shall have due regard to the amount of the loan and the nature of the security and the time for which the loan is made; but the rate shall, in no case, exceed three per cent a month; and no licensee or company or association to which this act applies, shall charge or receive upon any loan a greater rate of interest than that fixed by the supervisor.

Rate of interest, etc.

SECTION 8. Licenses granted by the supervisor shall be for a period of one year from the first day of October: *provided, however*, that licenses granted between August first and September thirtieth of the current year shall expire on the thirtieth day of September, nineteen hundred and twelve. Each license shall plainly state the name of the licensee, and the city or town, with the name of the street, and the number, if there be any, of the place in which the business is to be carried on, and shall be posted in a conspicuous place in the office where the business is transacted.

Period of licenses.
Proviso.

Fee for
license, etc.

SECTION 9. The fee for all licenses granted under this act shall be not less than one hundred dollars. If the licensee desires to carry on business at more than one place he shall procure a license for each place where the business is to be conducted.

Penalty for
violations of
law.

SECTION 10. Any person, partnership, corporation or association violating any provision of this act or any regulation made hereunder shall be subject to a fine of not more than five hundred dollars, and the license may be suspended or revoked by the supervisor. Any loan upon which a greater rate of interest or expense is charged or received, than is allowed by this act and the regulations made hereunder, may be declared void by the supreme judicial court or the superior court in equity upon petition by the person to whom the loan was made.

Conditions
under which
licenses shall
be granted,
etc.

SECTION 11. A license hereunder shall not be granted until the applicant has filed with the supervisor of loan agencies a statement under oath, which in the case of a corporation or association may be made by the president or agent thereof in charge of the business, stating the place in the city or town where the business is to be carried on, the name and the private and business address of the applicant, and, in the case of a corporation, the state under the laws of which it is organized, and the name and private address of the clerk or secretary and of the agent or other officer having charge of its proposed business, nor until the applicant, unless excused by the supervisor of loan agencies, files with said supervisor a power of attorney, appointing a person, satisfactory to the supervisor, to be his or its attorney, upon whom all lawful process may be served, in any action or proceeding arising under the provisions of this act, with the same effect as if served upon the licensee. If any change occurs in the name or address of a licensee or of the clerk, secretary or agent aforesaid of any licensed corporation, or in the place where the licensed business is carried on, or in the membership of any partnership licensed hereunder, a true and full statement of such change, sworn to in the manner required above in the case of the original statement, shall forthwith be filed with the supervisor of loan agencies, who may at any time, after a hearing, revoke the license.

Bond to be
given by
licensee, etc.

SECTION 12. No license shall be issued hereunder until the licensee gives to the treasurer and receiver general of the commonwealth a bond in the penal sum of five thousand dollars, executed by the licensee and by a surety company

approved by the supervisor, conditioned upon the faithful performance by the licensee of the duties and obligations pertaining to the business so licensed, and the prompt payment of any judgment recovered against him or for which any one of the licensees may be liable under the provisions of this act, but no suit at law or in equity shall be begun against the sureties on such a bond within thirty days after judgment against the licensee. If in any case at law or in equity against the licensee under the provisions of this act it appears that the plaintiff is entitled to judgment or decree, except for proceedings in bankruptcy or insolvency, or the discharge therein of the licensee, the court may at any time, on motion, enter a special judgment or decree for the plaintiff for the amount of his debt, damages and costs, or for such other relief as he may be entitled to; and the said bond shall be conditioned upon the payment of any such special judgment and upon compliance with any such decree. Whoever is aggrieved by a breach of the condition of such a bond may sue thereon at his own expense and in his own behalf, but in the name of the obligee; and if judgment shall be entered for the defendant for costs, execution therefor shall issue against the person for whose benefit the suit is brought, as if he were the plaintiff of record, but not against the obligee. In such a suit like proceedings shall be had as in a suit by a creditor on an administration bond. The supervisor may, at any time, require the licensee to file an additional bond of like nature and with like effect, and to give full information as to all judgments recovered or suits pending, on his bond. Upon failure to file any bond so required, the license shall be revoked.

Bond to be given by licensee, etc.

SECTION 13. If a greater rate of interest or amount for expenses than is allowed under the provisions of this act has been paid on any loan to which this act applies, the person who paid it may, by an action of contract, or suit in equity, recover back the amount of the unlawful interest or expenses, with twice the legal costs and no more, if such action or suit is brought within two years after the time of payment.

Certain payments of interest may be recovered back, etc.

SECTION 14. If a loan to which the provisions of this act apply is secured by a mortgage or pledge of personal property, or by an assignment of wages, the mortgage shall be discharged, the pledge restored or the assignment released, upon payment or tender of the amount legally due under the provisions of this act; and such payment or tender may be

Mortgage or pledge, etc., to be restored upon payment of loan, etc.

made by the debtor, by any person duly authorized by him, or by any person having an interest in the property mortgaged or pledged, or in the wages assigned. Whoever refuses or neglects upon request to discharge a mortgage, release an assignment or restore a pledge to the party entitled to receive the same, after payment of the debt secured thereby or the tender of the amount due thereon as aforesaid, shall be liable in an action of tort to the borrower for all damages thereby sustained by him.

Validity of mortgage or pledge, etc.

SECTION 15. A mortgage or pledge of personal property or an assignment of or order for, wages or salary to which the provisions of this act apply, shall not be valid unless it states with substantial accuracy the actual amount of the loan, the time for which the loan is made, the rate of interest to be paid, and the expense of making and securing the loan, if any; nor unless it contains a provision that the debtor shall be notified, in the manner provided in section five of chapter one hundred and ninety-eight of the Revised Laws, of the time and place of any sale to be made in foreclosure proceedings at least seven days before such sale. A notice of intention to foreclose under the provisions of section five or section eight of chapter one hundred and ninety-eight of the Revised Laws shall not be valid in such a case unless it expressly states where such notice is to be recorded, and that the right of redemption will be foreclosed sixty days after such recording. At any time after twenty days from the date of any such mortgage, if the same has not been recorded, the holder thereof shall forthwith on demand and payment or tender of one dollar give to the mortgagor or any person interested in the mortgaged property, a copy of the mortgage, and of the note or other obligation secured thereby, which such holder or holders shall certify to be a true copy thereof.

Receipt to be given on payment of loan, etc.

SECTION 16. If a payment is made on account of a loan to which the provisions of this act apply, the person who receives the payment, or his principal, shall, when the payment is taken, give to the person paying a receipt setting forth the amount then paid and the amount previously paid, and identifying the loan, note, mortgage or assignment to which it is to be applied.

Penalty for acting without a license, etc.

SECTION 17. Whoever not being duly licensed as provided in this act, on his own account or on account of any other person, partnership, corporation or association not so licensed, engages in or carries on, directly or indirectly,

either separately or in connection with or as a part of any other business, the business of making loans to which the provisions of this act apply, shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

SECTION 18. The provisions of this act shall not affect so much of section three of chapter seventy-three of the Revised Laws as provides that, if there is no agreement for a different rate, the interest on money shall be at the rate of six dollars upon each one hundred dollars for a year.

Certain provisions of law not affected, etc.

SECTION 19. Loan companies, and loan associations established by special charter are hereby placed under the supervision of the supervisor of loan agencies, but shall be exempt from procuring a license; and all parts of any such charter inconsistent herewith are hereby repealed.

Certain companies and associations exempt from procuring a license.

SECTION 20. Upon the passage of this act the supervisor of loan agencies shall exercise all the powers in respect to the licensing and control of persons engaged in the business to which this act applies now conferred by statute upon the bank commissioner, the police commissioner of the city of Boston, the mayor and aldermen or corresponding body in other cities, and the selectmen in towns. All licenses granted by the police commissioner of the city of Boston, by the mayor and aldermen or corresponding body in other cities, by the selectmen in towns, for the conduct of the business to which this act applies shall terminate on the first day of August, nineteen hundred and eleven; but the supervisor of loan agencies, upon the payment of a fee of one hundred dollars, shall issue to the holders of licenses so terminated a license to continue the business.

Powers and duties of the supervisor, etc.

SECTION 21. Section forty-one of chapter one hundred and two of the Revised Laws is hereby amended by inserting after the word "regulations", in the second line, the words: — to the satisfaction of the supervisor of loan agencies, — so as to read as follows: — *Section 41.* The board which grants licenses to pawnbrokers shall from time to time establish regulations to the satisfaction of the supervisor of loan agencies, relative to the business carried on and the rate of interest to be charged by them; and a pawnbroker shall not charge or receive upon any loan a greater rate of interest than that fixed by the licensing board.

R. L. 102, § 41, amended.

Regulations, etc.

SECTION 22. No assignment of or order for wages or salary to be earned in the future to secure a loan of less

Assignment of wages to be accepted by employer, etc.

than three hundred dollars shall be valid against an employer of the person making such assignment or order until the assignment or order is accepted in writing by the employer, nor until the assignment or order and the acceptance of the same have been filed and recorded with the clerk of the city or town where the person making the assignment or order resides, if he is a resident of the commonwealth, or in which he is employed if he is not a resident of the commonwealth. No such assignment or order shall be recorded by the clerk of a city or town unless it states on its face that the sum of ten dollars per week, as earned, of the wages or salary so assigned is exempt from such assignment or order. No such assignment or order shall be valid when made by a married man unless the written consent of his wife to the making thereof is attached thereto. No such assignment or order shall be valid for a period exceeding one year from the making thereof.

Repeal of
certain special
acts.

SECTION 23. All parts of the charters of the Collateral Loan Company, Workingmens Loan Association, Worcester Collateral Loan Association and Chattel Loan Company inconsistent herewith are hereby repealed.

Repeal of
certain general
laws.

SECTION 24. Section sixty of chapter one hundred and two of the Revised Laws is hereby repealed, the repeal to take effect upon the thirty-first day of December, nineteen hundred and eleven. Sections fifty-seven, fifty-eight, fifty-nine, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven and sixty-eight of chapter one hundred and two of the Revised Laws, and chapter six hundred and five of the acts of the year nineteen hundred and eight, as amended by chapter three hundred and seventeen of the acts of the year nineteen hundred and nine, are hereby repealed.

Time of taking
effect.

SECTION 25. Except as is otherwise provided herein this act shall take effect upon its passage; and all acts or parts of acts inconsistent herewith are hereby repealed.

Approved July 19, 1911.

Chap. 728 AN ACT RELATIVE TO LEGISLATIVE COUNSEL AND AGENTS.
Be it enacted, etc., as follows:

R. L. 3,
amended.
Certain terms
construed.

SECTION 1. Chapter three of the Revised Laws is hereby amended by adding thereto the following: — *Section 33.* The term "legislative counsel" as used in this chapter shall be construed to mean any person who for compensation

appears at any public hearing before committees of the general court in regard to proposed legislation, and who does no other acts in regard to the same except such things as are necessarily incident to such appearance before such committees. The term "legislative agent" as used in this chapter shall be construed to mean any person, firm, association or corporation that for hire or reward does any act to promote or oppose proposed legislation except to appear at public hearings before committees of the general court as legislative counsel. *Section 34.* No member of a state or district political committee shall act as legislative agent. The provisions of section thirty-one of this chapter shall apply to violations of the provisions of this section.

Certain persons prohibited from acting as legislative agents.

SECTION 2. This act shall take effect on the first day of July, nineteen hundred and eleven.

Time of taking effect.

Approved July 19, 1911.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE BOARD OF COMMISSIONERS ON FISHERIES AND GAME.

Chap. 729

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the compensation and expenses of the board of commissioners on fisheries and game, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Appropriations.

For compensation of the commissioners, a sum not exceeding fifty-six hundred and thirty dollars.

Commissioners on fisheries and game.

For travelling and other expenses, including the printing and binding of the annual report, a sum not exceeding four thousand and seventy-five dollars.

Travelling expenses, etc.

For clerical services, a sum not exceeding thirty-four hundred and eighty dollars.

Clerical services.

For enforcement of the laws relating to fisheries and game, for the propagation and distribution of fish, birds and other animals, and for rent and maintenance of hatcheries, a sum not exceeding fifty-five thousand five hundred dollars.

Enforcement of laws.

For stocking great ponds with food fish, a sum not exceeding five hundred dollars.

Stocking great ponds.

For stocking ponds with food fish, a sum not exceeding one hundred dollars.

Stocking ponds.

Protection of
lobsters.

For the protection of lobsters with eggs attached, a sum not exceeding four thousand dollars.

SECTION 2. This act shall take effect upon its passage.
Approved July 19, 1911.

Chap.730 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE BOARD OF HARBOR AND LAND COMMISSIONERS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the harbor and land commissioners, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —

Harbor and land commissioners.

For the salaries of the commissioners, eighty-seven hundred dollars.

Engineers, etc.

For the compensation and expenses of engineers and for clerical and other assistance, a sum not exceeding thirty-eight thousand dollars.

Travelling expenses, etc.

For travelling and other necessary expenses, a sum not exceeding seven hundred and fifty dollars.

Office expenses.

For incidental and contingent office expenses, to include the printing and binding of the annual report, a sum not exceeding two thousand dollars.

Printing atlases.

For printing town boundary atlases, a sum not exceeding twenty-five hundred dollars.

Improvement of rivers, etc.

For the improvement and protection of rivers, harbors, tide waters and foreshores, a sum not exceeding one hundred thousand dollars.

Surveys, etc.

For surveys of harbors, improving and preserving the same, and repairing damages occasioned by storms along the coast line or river banks of the commonwealth, a sum not exceeding three thousand dollars.

Removal of wrecks, etc.

For removals of wrecks and other obstructions from the tide waters, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.
Approved July 19, 1911.

Chap.731 AN ACT RELATIVE TO THE OBTAINING OF POSITIONS BY SCHOOL TEACHERS.

Be it enacted, etc., as follows:

Duties of the board of education

SECTION 1. Any graduate of any high school or normal school in this commonwealth, or of any other school con-

sidered by the board of education to be of equal grade, or the graduate of any reputable college, provided that such graduate is a person of good character and is a resident of the state, may file an application with the board of education for a position as school teacher upon the payment of a fee of two dollars. The application shall set forth the name, address, and, briefly, the experience and qualifications of the applicant. It shall be the duty of the board of education to communicate with the school committees in the cities and towns of the commonwealth, and with persons who have made application for a position as school teacher in accordance with the provisions of this section, and to procure positions for them so far as may be possible, free of expense to the applicant beyond the aforesaid fee, and without expense to the various school committees. The said board shall cause to be printed and sent to school committees of cities and towns a list of the applicants for positions as aforesaid, with a brief statement of their qualifications and experience.

concerning
employment
of school
teachers, etc.

SECTION 2. No person, firm, corporation, or association shall demand or accept from any applicant for the position of a teacher in the public schools a fee or other compensation exceeding two dollars in amount, and no further sum shall be charged to cover expenses or for any other reason, except that, if the person or agency procures a position as aforesaid for an applicant, the person or agency shall be entitled to receive as further compensation a sum not exceeding five per cent of the salary of the teacher, for the first year of employment, provided that the position is open to teachers so long.

Limiting fee or
compensation
to be paid by
applicants.

SECTION 3. It shall be unlawful for a superintendent of schools in any city or town, or in any district composed of two or more towns, to accept any commission, fee, compensation or reward of any kind for obtaining a position as teacher in the public schools for any person.

Superintend-
ents of schools
not to accept
commission.

SECTION 4. Any violation of this act shall be punished by fine of not less than fifty nor more than five hundred dollars.

Penalty.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

Approved July 19, 1911.

Chap.732 AN ACT TO REVISE THE CHARTER OF THE CITY OF PITTSFIELD.
Be it enacted, etc., as follows:

PART I.

City of
Pittsfield.

SECTION 1. The inhabitants of the city of Pittsfield shall continue to be a body politic and corporate, under the name of the City of Pittsfield, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now pertaining to and incumbent upon said city as a municipal corporation, except so far as the same may be modified by the provisions of this act.

Administra-
tion, etc.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one officer, to be called the mayor, one council to be called the board of aldermen, and one council to be called the common council, which councils in their joint capacity shall be denominated the city council. The general management and control of the public schools of said city shall be vested in a school committee.

Wards.

SECTION 3. The territory of the city shall continue to be divided into seven wards, which shall retain their present boundaries until the same shall be changed under the general law relating thereto.

Municipal
election and
municipal
year.

SECTION 4. The municipal election shall take place annually on the second Tuesday of December, and the municipal year shall begin on the first Monday of January following. All meetings of the citizens for municipal purposes shall be called by warrants issued by order of the mayor and board of aldermen, which shall be in such form and be served and returned in such manner and at such times as the city council may by ordinance direct.

Election of
mayor,
aldermen, etc.

SECTION 5. At such municipal election the qualified voters shall give in their votes by ballot for mayor, aldermen, common councilmen, and school committee, in accordance with the provisions of this act and the laws of the commonwealth. Any person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office; and whenever two or more persons are to be elected to the same office the several persons, to the number required to be chosen, receiving the highest number of votes shall be deemed and declared to be elected, and each person

so elected shall be notified of his election in writing by the city clerk. If it shall appear that there is no choice of mayor, or if the person elected mayor shall refuse to accept the office or shall die before qualifying, or if a vacancy in said office shall occur subsequently, the board of aldermen shall cause warrants to be issued for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of mayor, and repeated until the election of a mayor is completed. If the full number of members of either branch of the city council shall fail to be elected, or a vacancy shall occur in either branch, such branch shall declare a vacancy or vacancies to exist, and thereupon the board of aldermen shall cause a new election to be held to fill the same. The person thus elected to fill a vacancy shall hold office for the remainder of the term.

SECTION 6. All meetings for the election of national, state, county and district officers shall be called by the mayor and board of aldermen, in the same manner as meetings for municipal elections are called.

Calling of meetings.

SECTION 7. The board of aldermen may, when no convenient wardroom for holding the meeting of the citizens of any ward can be had within the territorial limits of such ward, appoint and direct, in the warrant for calling the meeting of such ward, that the meeting be held in some convenient place within the limits of an adjacent ward of the city; and for such purpose the place so assigned shall be deemed and taken to be a part of the ward for which the election is held.

Meetings may be held in adjacent ward, etc.

SECTION 8. General meetings of the citizens qualified to vote may from time to time be held according to the rights secured to the people by the constitution of this commonwealth, and such meetings may, and upon request in writing of fifty qualified voters setting forth the purposes thereof shall, be duly called by the mayor and board of aldermen.

General meetings of citizens.

SECTION 9. The mayor shall be elected by the qualified voters of the entire city and shall hold office for the municipal year beginning with the first Monday in January next succeeding his election, and until his successor is elected and qualified. He shall be the chief executive officer of the city, and it shall be his duty to be active and vigilant in causing the laws, ordinances and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers. He shall have the power of veto

Election and term of mayor, etc.

provided by general law. He may suspend any officer, and may suspend any work or payment whether on contract or otherwise for a period not exceeding seven days, but in such case he shall report his action with his reasons therefor to the city council, which shall take immediate action thereon. He may call special meetings of the city council or either branch thereof, when in his opinion the interests of the city require it, by causing notices to be left at the usual place of residence of each member of the board or boards to be convened. He shall from time to time communicate to the city council or either branch thereof such information and recommend such measures as the business and interests of the city may in his opinion require. He shall, when present, preside in the board of aldermen and in convention of the two boards, but shall have no vote. He shall receive a salary of one thousand dollars, and the same shall be payable at stated periods. He shall receive no other compensation for his services.

Appointive
officers, etc.

SECTION 10. The mayor shall appoint, subject to the confirmation or rejection of the board of aldermen, a city marshal or chief of police, and such number of other police officers and constables as the city council shall determine. The chief of police and all other police officers shall hold office during good behavior and until removed by the mayor, with the concurrence of the board of aldermen, after hearing, for cause in their opinion sufficient. The board of aldermen may require any person who may be appointed a chief of police or constable to give bonds, with such security and to such an amount as they may deem reasonable and proper, for the faithful discharge of the duties of the office, upon which bond like proceedings and remedies may be had as are by law provided in case of constables' bonds taken by the selectmen of towns. The compensation of the police and other subordinate officers shall be fixed by concurrent vote of the city council.

President of
the board of
aldermen to
act as mayor
in case of a
vacancy.

SECTION 11. In case of a vacancy in the office of mayor, or in case of his death, resignation or absence from the city, or of his inability from other cause to perform the duties of his office, the president of the board of aldermen shall, under the style of acting mayor, exercise the powers and perform the duties of mayor, except that he shall not, unless authorized thereto in a special instance by the city council, make any permanent appointment or removal from office; nor shall he, unless such disability of the mayor has continued at least nine days, or unless the office of mayor has

become vacant, have power to approve or disapprove any ordinance, order, resolution or vote of the city council.

SECTION 12. One alderman shall be elected by and from the qualified voters of each ward, and shall hold office for one year from the first Monday of January next succeeding his election. At the municipal election to be held in the year nineteen hundred and eleven two common councilmen shall be elected by and from the qualified voters of each ward, who shall hold office one for one year and one for two years from the first Monday of January following; and at each municipal election thereafter, beginning with the municipal election to be held in the year nineteen hundred and twelve, one common councilman shall be elected by and from the qualified voters of each ward, and shall hold office for two years from the first Monday of January next succeeding his election. No person shall be eligible for election as alderman or common councilman who is not at the time of his election a resident of the ward from which he is chosen, but a subsequent removal to another ward of said city shall not disqualify any such officer from discharging the duties of his office. The aldermen and common councilmen shall be sworn to the faithful discharge of their duties, and they shall receive no compensation for their services. A majority of each board shall constitute a quorum for the transaction of business.

Election of
aldermen, etc.

SECTION 13. On the first Monday of January, at ten o'clock in the forenoon, the mayor, aldermen and common councilmen elect shall meet in joint convention, when they shall be sworn to the faithful discharge of the duties of their respective offices. The oath may be administered by the city clerk or by any justice of the peace, and a certificate of such oath having been taken shall be entered on the journals of the board of aldermen and of the common council by their respective clerks. After the oath has been administered as aforesaid the two boards shall separate. The common council shall be organized by the choice of a president and clerk, to hold their offices respectively during the municipal year. The clerk shall be sworn to the faithful discharge of his duties, and his compensation shall be fixed by concurrent vote of the city council. The board of aldermen shall choose a president, who shall preside at the meetings of the board of aldermen and of the two councils in joint convention in the absence of the mayor. In case of the absence of the mayor-elect

Organization
of city
government,
etc.

on the first Monday of January, or if the mayor shall not have been elected, the city council shall organize itself in the manner hereinbefore provided, and may proceed to business in the same manner as if the mayor were present, and the oath of office may at any time thereafter be administered to the mayor and any member of the city council who has been previously absent or has been subsequently elected, and every oath shall be duly certified as aforesaid. Each board shall keep a record of its own proceedings and be the judge of the election of its own members.

Duties of city clerk, etc.

SECTION 14. The city clerk shall have charge of all journals, records, papers and documents of the city, sign all warrants issued by the mayor and aldermen, and do such other acts in his said capacity as the city council may require of him. He shall be the clerk of the board of aldermen and of the city council in convention, and shall keep a journal of all votes and proceedings. He shall engross all the ordinances passed by the city council in a book provided for that purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances. He shall perform such other duties as are required by law or shall be prescribed by the board of aldermen. In case of the temporary absence of the city clerk the mayor, with the consent of the board of aldermen, may appoint a clerk pro tempore, who shall be duly qualified.

Executive power to be vested in mayor and aldermen, etc.

SECTION 15. The executive power of said city generally, with all the powers heretofore vested by special statute in the selectmen of the town of Pittsfield, and in the officers of the Pittsfield Fire District, and in the selectmen of towns generally by the laws of the commonwealth, shall be vested in and exercised by the mayor and aldermen, as fully as if the same were herein specially enumerated, except as herein otherwise provided.

Appropriations, etc.

SECTION 16. The city council shall appropriate annually the amount necessary to meet the expenditures of the city for the current municipal year, and such appropriations shall not be increased except by a vote of two thirds of each board voting by yeas and nays. It shall take care that no money is paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds with sufficient penalties and sureties from all persons intrusted with the receipt, custody or disbursement of money. It shall, as often as once in each year, cause to be published for the use of the inhabit-

ants a particular account of the receipts and expenditures of said city and a schedule of all city property and of the city debt. It shall have the care and superintendence of the city buildings and the custody, management and disposal of all city property. Any appropriation made by the city council for the erection of a city hall or for land for a location for such building shall be subject to ratification by the legal voters of the city, voting in their respective wards or precincts, at an annual municipal election. The city council shall also have the sole care, superintendence and management of the public grounds belonging to said city.

SECTION 17. In all cases in which appointments are directed to be made by the mayor and aldermen the mayor shall have the exclusive power of nomination, which nomination shall be subject however to confirmation or rejection by the board of aldermen. If a person so nominated be rejected the mayor shall make another nomination within ten days from the time of such rejection. No person shall be eligible by appointment or election by the mayor and aldermen or city council to any office of emolument the salary of which is payable out of the city treasury, who at the time of such election or appointment is a member of the city council. All sittings of the mayor and aldermen, of the common council and of the city council, shall be public, except the sittings of the mayor and aldermen when they are engaged in executive business.

SECTION 18. The city council shall have power within said city to make and establish ordinances and by-laws and to affix thereto penalties as herein and by general law provided without the sanction of any court or justice thereof. All fines and forfeitures for the breach of any ordinance shall be paid into the city treasury. Complaint for the breach of any ordinance may be made by the mayor or any head of a department, or by any resident of the city. All existing ordinances of said city not inconsistent with the provisions of this act are continued in force until amended or repealed.

SECTION 19. The city council shall, with the approval of the mayor, have exclusive authority and power to order the laying out, locating anew or discontinuing of, or making specific repairs in, all streets and ways and all highways within the limits of said city, and to assess the damages sustained thereby; but all questions relating to the subjects of laying out, altering, repairing or discontinuing any street,

Mayor to have exclusive power of nomination, etc.

Ordinances and by-laws.

Laying out of streets, etc.

way or highway, shall first be acted upon by the mayor and aldermen. Any person aggrieved by any proceedings of the city council under this provision shall have all the rights and privileges now allowed by law in appeals from the decision of selectmen or road commissioners of towns.

Election of
certain city
officers, etc.

Proviso.

SECTION 20. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot in convention a city treasurer, a collector of taxes, a city clerk, a city physician, a city solicitor, and a city auditor, who shall be legal voters, and shall hold their offices for the term of one year from the first Monday in February then next ensuing and until others shall be elected and qualified in their stead: *provided, however*, that either of the officers named in this section may be removed at any time by the city council for sufficient cause. Vacancies occurring in the above named offices may be filled at any time in the same manner for the unexpired term. The compensation of the officers mentioned in this section shall be fixed by concurrent vote of the city council.

Fire
department.

SECTION 21. The city council may establish a fire department for said city, to consist of a chief engineer and of as many assistant engineers, enginemen, hosemen, hook-and-ladder men and assistants as the city council by ordinance shall from time to time prescribe; and said council shall have authority to fix the time of their appointment and the term of their service, to define their duties, and in general to make such regulations concerning the pay, conduct and government of such department, the management of fires and the conduct of persons attending fires, as they may deem expedient, and may fix such penalties for any violation of such regulations or any of them as are provided for the breach of the ordinances of said city. The appointment of all the officers and members of such department shall be vested in the mayor and aldermen exclusively, who shall also have authority to remove from office any officer or member for cause sufficient in their discretion. The engineers so appointed shall be the firewards of the city, but the mayor and aldermen may appoint additional firewards. The compensation of the department shall be fixed by concurrent vote of the city council. The powers and duties herein conferred upon the city council in relation to the establishment and maintenance of a fire department may, if the city council shall so determine, be exercised and carried into effect wholly or in part through the agency

of a board or commission which it may from time to time designate, and with such limitations of power as the city council may by ordinance direct. The members of any such board or commission shall serve without compensation.

SECTION 22. The city council shall have power to establish fire limits within the city and from time to time change or enlarge the same; and by ordinance they may regulate the construction of all buildings erected within said fire limits, stipulating their location, size and the material of which they shall be constructed, together with such other rules and regulations as shall tend to prevent damage by fire: *provided*, that such rules and regulations shall not be inconsistent with the laws of this commonwealth.

Fire limits
may be
established.

Proviso.

SECTION 23. The city council shall by joint ballot in convention elect three persons to be assessors of taxes, one person to be chosen by ballot in the month of January in each year and to hold office for the term of three years from the first Monday of February then next ensuing and until his successor is chosen and qualified. The present assessors, unless sooner removed, shall continue to hold office for the terms for which they were severally chosen. The assessors shall annually elect one person from each ward to be an assistant assessor for the ensuing year, and may fill any vacancy occurring in the office of assistant assessor for the unexpired term. The assistant assessors shall be sworn to the faithful performance of their duties. It shall be their duty to furnish the assessors with all necessary information relative to persons and property taxable in their respective wards. The compensation of the assessors and assistant assessors shall be fixed by the city council.

Assessors of
taxes,
election,
terms, etc.

SECTION 24. The city council shall by joint ballot in convention elect three persons, legal voters of said city, to constitute a board of overseers of the poor in said city, one person to be chosen by ballot in the month of January in each year and to serve for the term of three years from the first Monday of February then next ensuing and until his successor is chosen and qualified. Said board of overseers shall organize annually by the choice of a chairman, and they may annually elect, but not from their own number, a superintendent, who shall serve as clerk of the board and who may be removed by the board; the compensation of the superintendent shall be fixed by concurrent vote of the city council; the members of the board shall serve without compensation.

Overseers of
the poor,
election, etc.

Board of
health,
election, etc.

SECTION 25. The city council shall by joint ballot in convention elect three persons, legal voters of said city, to constitute a board of health, one person to be elected in the month of January in each year and to serve for the term of three years from the first Monday of February then next ensuing and until his successor is elected. The present members of the board of health of said city shall, unless sooner removed, continue to hold office for the terms for which they were severally elected. Elections shall be so made that one member at least of said board shall be a physician. The compensation of the board shall be fixed by the city council.

Commission-
ers of the
sinking fund,
election, etc.

SECTION 26. The city council shall by joint ballot in convention elect three persons, legal voters of said city, to constitute a board of commissioners of the sinking fund of the city of Pittsfield, one person to be elected in the month of January in each year and to serve for the term of three years from the first Monday of February then next ensuing and until his successor is elected. Said board shall serve without compensation, and shall have all the powers and be subject to all the duties specified in the laws relating to sinking funds; and said city of Pittsfield shall continue to have all the rights and privileges and to be subject to all the duties and liabilities heretofore given to or imposed upon the town of Pittsfield in reference to its sinking fund.

Vacancies.

SECTION 27. Any vacancy occurring in either of the boards established under the provisions of the four preceding sections may be filled by the city council voting by joint ballot in convention at any time for the unexpired term; and any member of either of said boards may at any time be removed by the city council for such cause as may seem to it sufficient.

Board of
public works,
election, etc.

SECTION 28. There shall be a board of public works of said city to consist of three members. The city council shall annually in the month of January, beginning with the year nineteen hundred and twelve, elect by joint ballot in convention one person, who shall be a legal voter of said city, to serve on the board of public works herein provided for for the term of three years from the first Monday of February next ensuing and until his successor is elected. Said board of public works shall organize annually by the choice of a chairman; they shall annually appoint a clerk, to be under their direction and control, who shall be sworn to the faithful performance of his duties and who shall keep

a record of the meetings and proceedings of said board; and may appoint, but not from their own number, such superintendents and agents as the city council shall by ordinance from time to time authorize or prescribe; said board may at any time remove such clerk, superintendents and agents for such cause as may seem to said board sufficient. The compensation of such clerk, superintendents and agents may be fixed by the city council. The city council may at any time remove any member of said board of public works for such cause as it may deem sufficient, and may by joint ballot fill any vacancy that may occur in said board for the unexpired term. The compensation of said board shall be fixed by the city council. Said board shall have the direction, control, care and superintendence of the construction, alteration and repair of the highways, streets, sidewalks, common sewers, main drains and bridges of the city; the care, superintendence and control of street lights and of the location of such lights, unless the same shall by ordinance be entrusted to some other board or committee; the direction and control of the extensions, improvements and maintenance of the water works and their appurtenances, the supervision of the collection of water rates and the determination of the same, under such schedule of rates and regulations as the city council may from time to time by ordinance adopt; they shall have all the authority given by general law to selectmen of towns relating to shade and ornamental trees in public streets and ways, unless such authority shall by ordinance be given to some other board or committee. Said board shall in general, except as otherwise herein provided, have exclusively the powers and be subject to the duties, liabilities and penalties which are or may by law be given to or imposed upon road commissioners of towns. They shall perform such other duties not inconsistent with their office as the city council may direct.

Compensation
of clerk and
superin-
tendents, etc.

SECTION 29. Said board of public works shall have authority to determine the width and material, including the curbstone, of all sidewalks on the public streets and ways of said city, having due reference to the established grades of said streets and ways; and to construct, reconstruct and repair such sidewalks, in accordance with such determination. Upon the completion of any sidewalk by said board, or upon the completion of the reconstruction or repair of any sidewalk, said board shall ascertain, determine and certify the whole expense of such making,

The board of
public works
to have au-
thority over
streets and
ways, etc.

reconstruction or repair, and shall cause a record thereof to be made and deposited with the city clerk, and shall assess one half the amount of the same upon all lands especially benefited by such making, reconstruction or repair, whether such lands abut upon such sidewalks or not. They shall have the authority given by law to the selectmen or road commissioners of towns to adjudicate upon the question of damages sustained by an owner of land adjoining such sidewalk, by reason of the construction, reconstruction or repair thereof.

Assessments.

SECTION 30. All assessments so made by said board shall constitute a lien on the real estate assessed, for two years from the time of the assessment, and for one year after the final determination of any suit or proceeding in which the amount or validity of such assessment shall be drawn in question. Every such assessment made by said board shall be recorded in books to be kept for that purpose, and a list thereof shall be committed by said board for collection to the collector of taxes in said city. Said collector shall forthwith publish said list for three successive weeks in some newspaper published in said city, and shall, on or before the day of the last publication thereof, demand payment of the same of the owner or occupant of the land assessed, if known to him and within his precinct. If any such assessment shall not be paid within three months from the last publication of said list he shall levy the same, with incidental costs and expenses, by sale of the land, such sales to be conducted in the same manner as sales of land for non-payment of taxes; and in making such sales said collector, and said city and its officers, shall have all the powers and privileges conferred by the general laws of the commonwealth upon collectors of taxes, and upon cities and towns and their officers, relating to sales of land for the non-payment of taxes.

Invalid assessments may be reassessed, etc.

SECTION 31. Every assessment made by said board which is invalid by reason of any error or irregularity in the assessment, and which has not been paid, or which has been recovered back, or which has been enforced by an invalid sale, may be reassessed by said board of public works for the time being, to the just amount for which and upon the estate upon which such assessment ought at first to have been assessed; and the assessments thus reassessed shall be payable, and shall be collected and enforced, in the same manner as other assessments.

SECTION 32. Said board of public works shall have authority to lay, make, construct, reconstruct and maintain such drains as may be necessary for the care and disposal of surface or ground water accumulating in the streets, and to lay such drains through any street or private lands; and said city shall pay the owners of such lands such damages as they may sustain by the laying or relaying of said drains; and any person or corporation sustaining damages as aforesaid, who fails to agree with said board as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways.

Construction and maintenance of drains, etc.

SECTION 33. Said board of public works shall have all the powers and be subject to all the duties which were given to and imposed upon the commissioners of sewers by the provisions of chapter three hundred and fifty-seven of the acts of the year eighteen hundred and ninety and by the provisions of chapter three hundred and thirty of the acts of the year eighteen hundred and ninety-three, and all the plans, records and documents of said commissioners may be kept in the office of said board of public works.

Powers and duties of the board.

SECTION 34. The school committee shall consist of the mayor, ex officio, who shall be chairman of the board, and fourteen other persons, inhabitants of said city, of whom two shall be elected by ballot from each ward by the qualified voters in said ward. At each municipal election hereafter held there shall be chosen members of the school committee to hold the office for the term of three years, as successors of and from the same wards as those whose term of office expires at the expiration of the then municipal year. Any vacancy occurring in said committee may be filled by ballot for the remainder of the municipal year by the joint ballot of the city council and school committee in convention; and for the unexpired term thereafter shall be filled at the first municipal election after such vacancy occurs. The members of the committee shall serve without compensation. Said committee shall annually elect one of their number as chairman, to serve in the absence of the mayor. Said committee shall annually appoint one of their number to attend the meetings of the board of aldermen and common council for the purpose hereinafter mentioned, and said committee shall annually appoint a secretary, one of their number, who shall be under their direction and

School committee, election, etc.

Vacancies.

control. They shall annually appoint, but not of their own number, a superintendent of schools. The committee shall fix the salaries of such secretary and superintendent and may remove them for sufficient cause.

SECTION 35. The chairman of the board of overseers of the poor, of the board of public works, and the member of the school committee appointed for that purpose shall, respectively, be entitled to seats with the board of aldermen and common council, and shall have the right to discuss all matters relating to their respective departments of city affairs, but without the right to vote; they shall be notified in the same manner as members of the two boards, of all special meetings of said boards. Every officer of the city, except the mayor, shall at the request of the board of aldermen or common council appear before them and give such information as they may require, and answer such questions as may be asked in relation to any matter, act or thing connected with his office or the discharge of the duties thereof.

SECTION 36. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made and no liability incurred by or in behalf of the city until the city council has duly voted an appropriation sufficient to meet such expenditure or liability, together with all prior liabilities which are payable therefrom, except that after the expiration of the financial year, and before the making of the regular annual appropriations liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one fourth of the total of the appropriation made for similar purposes in the preceding year.

SECTION 37. In all elections of officers by the city council by joint ballot in convention, the person receiving the highest number of votes for an office shall be deemed and declared to be elected to such office.

SECTION 38. All general laws in force in the city of Pittsfield, and all special laws heretofore passed with reference to said city and to the town of Pittsfield and in force in said city at the time of the passage of this act shall, until altered, amended or repealed, continue in force in the city of Pittsfield, so far as the same are not inconsistent herewith.

SECTION 39. All special laws heretofore passed concerning the fire district in the town of Pittsfield and in force

Certain boards, etc., to be entitled to seats with the city council, etc.

Appropriation for a specific purpose not to be expended for other purpose, etc.

Elections by the city council, etc.

Certain laws to remain in force.

Fire district, etc.

in said city at the time of the passage of this act shall, so far as the same are not inconsistent herewith, be and continue in force in the city of Pittsfield until altered, amended or repealed.

SECTION 40. The property formerly belonging to the fire district in the town of Pittsfield, heretofore vested in said city, shall continue to be the property of the city of Pittsfield, and said city shall continue to assume and discharge the former powers, privileges and duties of said fire district, and shall continue liable for its existing debts and legal contracts: *provided*, that the said fire district shall, as to its creditors, continue liable to pay all its existing debts and to perform all its legal contracts.

Property of
fire district.

Proviso.

SECTION 41. The provisions of this act so far as they are the same as those of chapter three hundred and two of the acts of the year eighteen hundred and ninety-five shall be construed as a continuance of the provisions of said chapter, and all acts and parts of acts inconsistent herewith, are hereby repealed: *provided*, that such repeal shall not revive any act heretofore repealed, nor shall such repeal affect any act done, liability incurred, or any right accruing or accrued, or any penalty or forfeiture incurred, or any suit, proceeding or prosecution pending at the time said repeal takes effect. All persons holding office in said city shall, notwithstanding the passage of this act, continue to hold office, unless sooner resigning or removed, for the terms for which they were severally elected, except as otherwise provided in this act.

Act con-
strued.

Proviso.

SECTION 42. All officers now holding office in the city of Pittsfield shall continue in office until their terms of office expire or their successors are elected and qualified.

Terms of
certain officers
to be
continued.

PART II.

SECTION 1. The inhabitants of the city of Pittsfield shall continue to be a body politic and corporate, under the name of the City of Pittsfield, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now pertaining to and incumbent upon the city as a municipal corporation, except so far as the same may be modified by the provisions of this act.

City of
Pittsfield.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the city, with the govern-

Administra-
tion of the
city govern-
ment.

ment thereof, shall be vested in one officer, to be called the mayor, and in one council, to be called the board of aldermen. The general management and control of the public schools of the city shall be vested in a school committee.

Number of wards.

SECTION 3. The territory of the city shall continue to be divided into seven wards, which shall retain their present boundaries until the same shall be changed under the general law relating thereto.

Municipal election and municipal year.

SECTION 4. The municipal election shall take place annually on the second Tuesday in December, and the municipal year shall begin on the first Monday in January following. All meetings of the citizens for municipal purposes shall be called by warrants issued by order of the board of aldermen, which shall be in such form and be served and returned in such manner and at such times as the board of aldermen may by ordinance direct.

Election of mayor, aldermen, etc.

SECTION 5. At the municipal election the qualified voters shall give in their votes by ballot in the several wards for mayor, aldermen, and members of the school committee, in accordance with the provisions of this act and the laws of the commonwealth; and the person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office. If it shall appear that there is no choice of mayor, or if the person elected mayor shall refuse to accept the office, or shall die before qualifying, or, if a vacancy in the office shall occur subsequently and more than five months previous to the expiration of the municipal year, the board of aldermen shall forthwith cause warrants to be issued for a new election and the same proceedings shall be had in all respects as are hereinbefore provided for the election of mayor, and shall be repeated until a mayor is elected. In case such vacancy in the office of mayor shall occur within five months or less of the expiration of the municipal year, the president of the board of aldermen shall, under the style of acting mayor, exercise and perform all the duties of the mayor and shall receive the salary herein provided for the mayor, except that he shall not, without the consent of the board of aldermen, make any permanent appointment to or removal from office. If the full number of members of the board of aldermen has not been elected, or if a vacancy in the office of alderman shall occur subsequently and more than six months previous to the expiration of the municipal year, the board of aldermen shall forthwith cause warrants to be issued for a new election

or new elections in the ward or wards in which an alderman has not been so elected, or in which a vacancy in the office of alderman has so occurred; but if such vacancy shall at any time occur less than six months before the expiration of the municipal year, the aldermen may elect some person from the ward in which such vacancy has occurred to fill the same.

SECTION 6. All meetings for the election of national, state, county and district officers shall be called by the board of aldermen, in the same manner as meetings for municipal elections are called. Calling of meetings for elections.

SECTION 7. The board of aldermen may, when no convenient wardroom for holding the meeting of the citizens of any ward or precinct can be had within the territorial limits of such ward or precinct, appoint and direct, in the warrant for calling the meeting of such ward or precinct, that the meeting be held in some convenient place within the limits of an adjacent ward or precinct of the city; and for such purpose the place so assigned shall be deemed and taken to be a part of the ward or precinct for which the election is held. Ward meetings may be held in an adjoining ward.

SECTION 8. General meetings of the citizens qualified to vote may from time to time be held according to the rights secured to the people by the constitution of this commonwealth, and such meetings may, and upon request in writing of fifty qualified voters setting forth the purposes thereof shall, be duly called by the board of aldermen. General meetings of citizens.

SECTION 9. The mayor shall be elected by the qualified voters of the entire city and shall hold office for the municipal year beginning with the first Monday in January next succeeding his election, and until his successor is elected and qualified. He shall be the chief executive officer of the city, and it shall be his duty to be active and vigilant in causing the laws, ordinances and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers. He may suspend any officer, and may suspend any work or payment for a period not exceeding seven days, but in such case (except in case of his suspension of an officer removable by him as herein-after provided) he shall report his action with his reasons therefor to the board of aldermen, which shall take immediate action thereon. He may call special meetings of the board of aldermen, by causing notices to be left at the usual place of residence of each member, or to be deposited in the post Term of office of mayor, etc.

office, postpaid, directed to each member at his usual place of business or of residence, at least one day previous to the time appointed for such meeting. He shall from time to time communicate to the board of aldermen such information and recommend such measures as the interests of the city may in his opinion require. Every ordinance, order, resolution, or vote of the board of aldermen, except such as relates to its own internal affairs, to its officers or employees, to the declaration of a vacancy in the office of mayor, or to the granting of licenses or franchises which it is empowered to grant by the laws of the commonwealth, or election warrants, shall be presented to the mayor for his approval, and like proceedings shall be had thereon as are in such cases provided by general laws relating to cities. He shall receive a salary of two thousand dollars, which shall be payable at stated periods. The executive power of the city generally, with all the powers heretofore vested by special statute in the selectmen of the town of Pittsfield, and in the officers of the Pittsfield Fire District, and in the selectmen of towns generally by the laws of the commonwealth shall, except as herein otherwise provided, be vested in the mayor, and may be exercised by him personally or through the several officers of the city in their respective departments, under his supervision and control.

Who shall act in case of vacancy in the office of mayor.

SECTION 10. In case of the death, resignation or absence from the city of the mayor, or of his inability from other cause to perform the duties of his office, or, until the election and qualification of his successor, the president of the board of aldermen shall, under the style of acting mayor, exercise the powers and perform the duties of mayor. He shall not make any permanent appointment to or removal from office, except in accordance with the provisions of section five of this act; nor shall he, unless such disability of the mayor has continued at least nine days, or unless the office of mayor has become vacant, have power to approve or disapprove any ordinance, order, resolution or vote of the board of aldermen.

Election of aldermen, etc.

SECTION 11. One alderman shall be elected by and from the qualified voters of each ward, and shall hold office for one year from the first Monday in January next succeeding his election. No person shall be eligible for election as alderman who is not at the time of his election a resident of the ward from which he is chosen, but a subsequent removal to another ward of said city shall not disqualify him from

discharging the duties of his office. Each alderman shall receive as compensation for his services the sum of two hundred dollars per annum. A majority of the board shall constitute a quorum for the transaction of business.

SECTION 12. On the first Monday in January, at ten o'clock in the forenoon, the mayor and aldermen elect shall meet and shall be sworn to the faithful discharge of the duties of their respective offices. The oath may be administered by the city clerk or by any justice of the peace, and a certificate of the oath having been taken shall be entered on the journal of the board of aldermen. The board of aldermen shall choose a president, who shall preside at the meetings of the board, and in case of his absence at any meeting, the board may choose a president pro tempore. In case of the absence of the mayor elect on the first Monday in January, or if the mayor has not been elected, the board of aldermen shall organize in the manner hereinbefore provided and proceed to business. The oath of office may at any time thereafter be administered to the mayor and to any member of the board who has been previously absent or has been subsequently elected, and every oath shall be duly certified as aforesaid. The board shall keep a record of its proceedings and be the judge of the election of its members.

Mayor and aldermen to be sworn, etc.

SECTION 13. The board of aldermen shall, except as is otherwise provided in this act, have and exercise all the legislative powers of towns, and have all the powers and be subject to all the liabilities of city councils and of either branch thereof, under the general laws of the commonwealth. The board shall appropriate annually the amounts necessary to meet the expenditures of the city for the current municipal year, and such appropriations shall not be increased except by a two thirds ye and nay vote of the board. It shall take care that no money is paid from the treasury unless appropriated, and shall secure a just and proper accountability by requiring bonds with sufficient penalties and sureties from all persons intrusted with the receipt, custody or disbursement of money. It shall, as often as once in each year, cause to be published for the use of the inhabitants a particular account of the receipts and expenditures of the city and a schedule of all city property and of the city debt. All sittings of the board shall be public. Five members of the board may at any time, by written request filed with the city clerk, call a special meeting of

Powers of the board of aldermen, etc.

the board, designating the day and hour therefor; and the city clerk shall thereupon cause notices of such special meeting to be issued and served in like manner as notices of special meetings called by the mayor.

Passage of ordinance, order, etc.

Every ordinance, order, resolution or vote involving the appropriation or expenditure of more than five hundred dollars shall be read twice with an interval of at least two days between readings before being finally passed, and the vote upon its final passage shall be taken by roll call: *provided, however*, that upon the written recommendation of the mayor the board may pass such ordinance, order, resolution or vote upon the same day by a two thirds yea and nay vote.

Proviso.

Compensation of certain officers, etc.

Except as is otherwise in this act provided, the board of aldermen shall fix the compensation of the city officers created by general law or by this act, except those under the control of the school committee.

Mayor to have power of nomination, etc.

SECTION 14. In all cases in which appointments are directed by the general laws of the commonwealth to be made by the mayor and aldermen, the mayor shall have the power of nomination, subject to confirmation or rejection by the board of aldermen. If a person so nominated be rejected the mayor shall make another nomination within ten days from the time of such rejection. No person shall be eligible to appointment to an office of emolument the salary of which is payable out of the city treasury, who at the time of his appointment is a member of the board of aldermen.

Ordinances, etc.

SECTION 15. The board of aldermen shall have power within the city to make ordinances and to affix thereto penalties, without the sanction of any court or justice thereof or of the attorney-general. All fines and forfeitures for the breach of any ordinance shall be paid into the city treasury. Complaint for the breach of any ordinance may be made by the mayor or any head of a department, or by any resident of the city. All existing ordinances of the city not inconsistent with the provisions of this act shall continue in force until amended or repealed.

Laying out of streets, etc.

SECTION 16. The board of aldermen shall, with the approval of the mayor, have exclusive authority and power to order the laying out, locating anew or discontinuing of, or making specific repairs in, all streets and ways and all highways within the limits of the city, and to assess the damages sustained thereby. Any person aggrieved by

proceedings of the board under this provision shall have all the rights and privileges now allowed by law in appeals from the decision of selectmen or road commissioners of towns.

SECTION 17. The board of aldermen shall establish by ordinance a police department, to consist of a chief of police, and of such other police officers and constables as the board may determine. The chief of police shall be appointed by the mayor, and may be removed by him at any time for such cause as he may deem sufficient. The other members of the police department shall be appointed by the mayor, and may at any time be removed by him, after hearing, for such cause as he may deem sufficient. The board of aldermen may require the chief of police or any constable to give bonds, with such surety and to such amount as it may deem proper, for the faithful discharge of the duties of his office. The members of the police department of the city at the time this act takes effect shall, notwithstanding the passage hereof, continue as such members unless removed as herein provided.

Police department, etc.

SECTION 18. The board of aldermen shall establish a fire department, to consist of a chief engineer and of as many assistant engineers, enginemen, hosemen, hook-and-ladder men and assistants as the board by ordinance shall from time to time prescribe; and the board shall have authority by ordinance, to define their duties, and to make regulations concerning the conduct and government of the department and the management of fires and the conduct of persons attending fires. The chief of the department shall be appointed by the mayor and may be removed by him at any time for such cause as he may deem sufficient. The other members of the department shall be appointed by the mayor and may at any time be removed by him, after hearing, for such cause as he may deem sufficient. The engineers so appointed shall be the firewards of the city. The mayor may appoint additional firewards. The members of the fire department of the city at the same time this act takes effect shall, notwithstanding the passage hereof, continue as such members unless removed as herein provided.

Fire department, etc.

SECTION 19. The board of aldermen may by ordinance and in accordance with the provisions of chapter one hundred and four of the Revised Laws and of all laws in amendment thereof and in addition thereto, establish fire limits

Fire limits, etc.

within the city and from time to time change or enlarge the same; may regulate the construction of buildings erected within said fire limits, stipulating their location, size and material; and may adopt such other rules and regulations as shall tend to prevent damage by fire.

City clerk,
election, etc.

SECTION 20. During the month of January, nineteen hundred and twelve, the board of aldermen shall elect a city clerk for the term of three years beginning with the first Monday in February next succeeding such election, and until the election and qualification of his successor. And during the month of January of every third year thereafter, said board of aldermen shall elect a city clerk for the term of three years from the first Monday of February next succeeding such election and until the election and qualification of his successor. The city clerk shall have charge of all journals, records, papers and documents of the city, sign all warrants issued by the board of aldermen, and do such other acts in his said capacity as the board of aldermen may require. He shall be the clerk of the board of aldermen, and shall keep a journal of its votes and proceedings. He shall engross the ordinances passed by the board in a book provided for that purpose, and shall add proper indexes. This book shall be deemed a public record of the ordinances. In case of the temporary absence of the city clerk, the board of aldermen may appoint a clerk pro tempore, who shall be duly qualified.

City auditor,
election, etc.

During the month of January, nineteen hundred and twelve, the board of aldermen shall elect a city auditor for the term of three years beginning with the first Monday in February next succeeding such election, and until the election and qualification of his successor. And during the month of January of every third year thereafter, said board of aldermen shall elect a city auditor for the term of three years from the first Monday of February next succeeding such election and until the election and qualification of his successor. Any vacancy in the office of city auditor, caused by death, removal or resignation, shall be filled by election by the board of aldermen.

Assessors of
taxes,
election, etc.

SECTION 21. During the month of January, nineteen hundred and twelve, the board of aldermen shall elect three persons, each of whom shall be legal voters, to be assessors of taxes for the respective terms of one, two and three years from the first Monday in February, next following said election and until the election and qualification of their

several successors, and during the month of January of each succeeding year thereafter, the board of aldermen shall elect one person to be assessor of taxes for the term of three years from the first Monday in February next following such election and until the election and qualification of his successor. Any vacancy occurring in the office of assessors of taxes may be filled by election by the board of aldermen. The assessors shall annually elect one person from each ward to be an assistant assessor for the ensuing year, and may fill any vacancy occurring in the office of assistant assessor. They shall furnish the assessors with all necessary information relative to persons and property taxable in their respective wards.

SECTION 22. The mayor shall appoint, and, for such cause as he may deem sufficient, may remove a superintendent of poor, who shall, under the supervision of the mayor and subject to his control, have and exercise the powers and be subject to the responsibilities conferred and imposed upon overseers of the poor in towns by the general laws of the commonwealth.

Superintendent of poor, etc.

SECTION 23. The mayor shall appoint, and, for such cause as he may deem sufficient, may remove, three persons, at least one of whom shall be a physician, to constitute a board of health. The terms of office of said members, shall be three years from the first Monday in January of the year of their respective appointments. The first appointment of said members under this act shall be for the terms of one year, two years, and three years respectively, and thereafter for three years as their term of office expires.

Board of health, etc.

SECTION 24. The mayor shall appoint, and for such cause as he may deem sufficient and shall assign in writing, may remove a collector of taxes, a commissioner of public works, a city solicitor, a city physician, a city treasurer, and a city engineer. The term of office of each of these officers shall be one year from the first Monday in January in the year of his appointment.

Collector of taxes, etc., appointment, etc.

SECTION 25. The commissioner of public works shall have the direction, care and superintendence of the city buildings and public grounds, except the schoolhouses and school grounds which shall be under the control of the school committee, of the construction, alteration and repair of the highways, streets, sidewalks, common sewers, main drains and bridges of the city; the care, superintendence and control of street lights; the direction and control of

Commissioner of public works, power and duties of, etc.

the extensions, improvements and maintenance of the water works and their appurtenances; the supervision of the collection of water rates and the determination of the same, under such schedule of rates and regulations as the board of aldermen may from time to time by ordinance adopt; he shall have all the authority given by general law to selectmen of towns relating to shade and ornamental trees in public streets and ways. He shall in general, except as otherwise herein provided, have exclusively the powers and be subject to the duties, liabilities and penalties which are or may by law be given to or imposed upon road commissioners of towns. He shall perform such other duties, not inconsistent with his office as the board of aldermen may direct.

Authority
of the com-
missioner
relative to
sidewalks, etc.

SECTION 26. Said commissioner shall have authority to determine the width and material, including the curbstone, of all sidewalks on the public streets and ways of the city, having due reference to the established grades of said streets and ways; and to construct, reconstruct and repair such sidewalks, in accordance with such determination. Upon the completion of any sidewalk, or upon the completion of the reconstruction or repair of any sidewalk, he shall ascertain, determine and certify the whole expense of such making, reconstruction or repair, and shall cause a record thereof to be made and deposited with the city clerk, and shall assess the benefit thereby occasioned, but not in excess of one half of the cost of the same, upon all lands especially benefited by such making, reconstruction or repair, whether such lands abut upon such sidewalks or not.

Assessments
to constitute
a lien on
real estate,
etc.

SECTION 27. All such assessments shall constitute a lien on the real estate assessed, for two years from the time of the assessment, and for one year after the final determination of any suit or proceeding in which the amount or validity of such assessment shall be drawn in question. Every such assessment shall be recorded, and a list thereof shall be committed by the commissioner for collection to the collector of taxes. Said collector shall forthwith publish said list for three successive weeks in some newspaper published in the city, and shall, on or before the day of the last publication thereof, demand payment of the same of the owner or occupant of the land assessed, if known to him and within his precinct. If any such assessment shall not be paid within three months from the last publication of said list, the collector of taxes shall levy the same, with

incidental costs and expenses, by sale of the land, such sale to be conducted in the same manner as sales of land for non-payment of taxes; and in making such sale the collector, and said city and its officers, shall have the powers conferred by the general laws of the commonwealth upon collectors of taxes, and upon cities and towns and their officers, relating to sales of land for the non-payment of taxes.

SECTION 28. Every assessment made by the board of aldermen which is invalid by reason of any error or irregularity in the assessment, and which has not been paid, or which has been recovered back, or which has been enforced by an invalid sale, may be reassessed by the board of aldermen for the time being, to the just amount for which and upon the estate upon which such assessment ought at first to have been assessed; and the assessment thus reassessed shall be payable, and shall be collected and enforced, in the same manner as other assessments.

Invalid assessments may be reassessed, etc.

SECTION 29. The commissioner may, subject to the approval of the mayor and board of aldermen, lay, make, construct, reconstruct and maintain drains for the disposal of surface or ground water accumulating in the streets, and may lay such drains through any street or private lands; and the city shall pay the owners of such lands such damages as they may sustain by the laying or relaying of said drains; and any person or corporation sustaining damages as aforesaid, who fails to agree with the board of aldermen as to the amount of damages sustained, may have the damages assessed, and determined in the manner provided by law when land is taken for the laying out of highways.

Construction and maintenance of main drains, etc.

SECTION 30. The commissioner of public works shall, except as otherwise herein provided, have the powers and be subject to the duties hitherto vested in and imposed upon the board of public works of the city.

Powers of the commissioner of public works, etc.

SECTION 31. The city engineer shall give his entire time to the service of the city, and shall, under the supervision and control of the commissioner of public works, attend to all the engineering work of the city. He shall, at the request of the commissioner, prepare plans and estimates for any proposed construction of or alteration in sewers, drains, streets, sidewalks, water works and other public works. He shall assist the city solicitor in defending the city against claims, actions, and other proceedings, and shall perform such other duties, not inconsistent herewith, as the board of aldermen may from time to time prescribe.

Duties of city engineer, etc.

School
committee,
election, etc.

Vacancies.

SECTION 32. The school committee shall consist of the mayor, ex officio, who shall be chairman of the board, and of seven other persons, inhabitants of the city, of whom one shall be elected by ballot from each ward by the qualified voters in said ward, and shall hold office for the term of one year beginning with the first Monday in January next succeeding his election. Any vacancy occurring in the committee may be filled for the remainder of the municipal year by ballot of the board of aldermen and school committee in convention. The members of the committee shall serve without compensation. The committee shall annually elect one of its number as chairman, to serve in the absence of the mayor. The committee shall annually appoint a secretary, one of its number, who shall be under its direction and control, and shall annually appoint, but not of its own number, a superintendent of schools. The committee shall fix the salaries of such secretary and superintendent and may remove them for such cause as it may deem sufficient.

Eligibility
to hold
certain
offices, etc.

SECTION 33. No person shall be eligible to any of the offices established or provided for by this act, except the superintendent of schools, the chief of police, the chief of the fire department, the commissioner of public works, and the city engineer, unless, at the time of his election or appointment, he shall have been a resident of the city for at least two years. Every officer of the city, except the mayor, shall at the request of the board of aldermen appear before said board and give such information as may be required in relation to the affairs of his office or department and to his discharge of the duties thereof. The board of aldermen may, after hearing, remove any officer who shall wilfully fail to comply with such request.

Appropriations for a specific purpose not to be used for other purpose.

SECTION 34. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made and no liability incurred by or in behalf of the city until the board of aldermen has duly voted an appropriation sufficient to meet such expenditure or liability, together with all prior liabilities which are payable therefrom, except that after the expiration of the financial year and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one fourth of the total of the appropriation made for similar purposes in the preceding year. Any officer or board violating the provisions

of this section may be removed therefor, after hearing, by the board of aldermen.

SECTION 35. Whenever mechanical or other work is to be done, or supplies are required for the city, at an estimated cost amounting to five hundred dollars or more, the board or officer having the matter in charge shall invite proposals therefor by advertisements in at least two newspapers published in the city, such advertisements to state the time and place for opening the proposals, and to reserve the right to said board or officer to reject any or all proposals. Every proposal shall be accompanied by a suitable bond, or certificate of deposit, for its faithful performance. Such proposals shall be kept by the officer or board inviting the same, and shall be open to public inspection after the proposals have been accepted or rejected.

Proposal for work to be advertised, etc.

SECTION 36. All contracts made by any board or officer of the city shall, when the amount involved is five hundred dollars or more, be in writing. No such contract shall be deemed to be made until the approval of the mayor is affixed thereto. All such contracts shall be accompanied by a bond with sureties satisfactory to the officer or board having the matter in charge, or by a deposit of money or other security for the faithful performance of the contract; and such bond or other security shall be deposited with the city auditor until the contract has been performed. No such contract shall be altered except by a written agreement of the contractor, the sureties on his bond, and the officer or board making the contract, with the approval of the mayor affixed thereto.

Contracts.

SECTION 37. All general laws in force in the city of Pittsfield, and all special laws heretofore passed with reference to the city and to the town of Pittsfield and in force in the city at the time of the passage of this act shall, until altered, amended or repealed, continue in force in the city of Pittsfield, so far as the same are not inconsistent herewith.

Certain general laws to continue in force.

SECTION 38. All special laws heretofore passed concerning the fire district in the town of Pittsfield and in force in the fire district in the town of Pittsfield and in force in said city at the time of the passage of this act shall, so far as the same are not inconsistent herewith, be and continue in force in the city of Pittsfield until altered, amended or repealed.

Fire district.

SECTION 39. The property formerly belonging to the fire district in the town of Pittsfield, heretofore vested in

Property of the fire district to be

the property
of the city.

Proviso.

Provisions
of act con-
strued, etc.

Proviso.

Time of
taking effect.

the city, shall continue to be the property of the city of Pittsfield, and the city shall continue to assume and discharge the former powers, privileges and duties of said fire district, and shall continue liable for its existing debts and legal contracts: *provided*, that the said fire district shall, as to its creditors, continue liable to pay all its existing debts and to perform all its legal contracts.

SECTION 40. The provisions of this act so far as they are the same as those of chapter three hundred and two of the acts of the year eighteen hundred and ninety-five shall be construed as a continuance of the provisions of said chapter, and the provisions of said chapter not contained herein, and all acts and parts of acts inconsistent herewith, are hereby repealed: *provided*, that such repeal shall not revive any act heretofore repealed, nor shall such repeal affect any act done, liability incurred, or any right accruing or accrued, or any penalty or forfeiture incurred, or any suit, proceeding or prosecution pending at the time said repeal takes effect. All persons holding office in the city shall notwithstanding the passage of this act, continue to hold office, unless sooner resigning or removed, until the beginning of the municipal year next following the acceptance of this act, except as otherwise provided in this act, or except as may be inconsistent herewith.

SECTION 41. Part II of this act shall not take effect until accepted by the voters of the city as herein provided, and if so accepted, it shall take effect for the next ensuing annual city election which shall be held on the third Tuesday of December in the year nineteen hundred and eleven. Thereafter the said annual election shall be held on the second Tuesday in December. For all other purposes Part II of this act if accepted shall take effect at ten o'clock in the forenoon on the first Monday of January, nineteen hundred and twelve.

PART III.

City of
Pittsfield.

SECTION 1. The inhabitants of the city of Pittsfield shall continue to be a body politic and corporate, under the name of the City of Pittsfield, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now pertaining to and incumbent upon the city as a municipal corporation, except so far as the same may be modified by the provisions of this act.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the city, with the government thereof, shall be vested in a council to consist of the mayor and four councilmen. The general management and control of the public schools of the city shall be vested in a school committee to consist of the mayor, ex officio, and four school committeemen.

Administration of the city government.

SECTION 3. The territory of the city shall continue to be divided into seven wards, which shall retain their present boundaries until the same shall be changed under the general law relating thereto.

Number of wards.

SECTION 4. The municipal year shall begin at ten o'clock in the forenoon on the first Monday in January and continue until ten o'clock in the forenoon on the first Monday in January next following.

Municipal year.

SECTION 5. At ten o'clock in the forenoon on the first Monday in January in the year nineteen hundred and twelve, the city council, board of mayor and aldermen, board of aldermen, common council, board of public works, board of overseers of the poor, and board of health of the city shall be abolished. The terms of office which the present mayor, aldermen, common councilmen, members of the school committee, members of the board of public works, members of the board of health, members of the board of overseers of the poor, assessors and assistant assessors, are now serving shall terminate; and except as otherwise provided in this act, all the present powers and duties of all or any, the mayor, mayor and aldermen, aldermen, board of aldermen, city council, common council, common councilmen, board of public works, overseers of the poor, and board of health of the city, under any general or special acts, shall devolve upon and shall thereafter be exercised and performed by the council.

Present city government abolished, etc.

SECTION 6. In the year nineteen hundred and eleven and in every second year thereafter, there shall be elected at the annual city election, the mayor, two councilmen and two members of the school committee for the term of two municipal years next following. There shall also be elected at the annual city election in the year nineteen hundred and eleven, two councilmen and two members of the school committee for the term of the municipal year next following. In the year nineteen hundred and twelve and in every second year thereafter, there shall be elected at the annual city election two councilmen and two members of the school committee each for the term of two municipal

Election of mayor, councilmen, etc.

years next following. These officers shall be elected by and from the qualified voters of the city and may be residents of any part thereof.

Council to
be the judge
of election
of members.

SECTION 7. The council shall be the judge of the election of its own members and, except as herein specified, shall determine its own rules of procedure.

Organization
of city
government,
etc.

SECTION 8. The mayor and councilmen shall meet at ten o'clock in the forenoon on the first Monday in January in each year. Those of them whose term of office then begins shall severally take oath before the city clerk or a justice of the peace to perform faithfully the duties of their respective offices. The council shall then be organized by the choice of a president, who shall be a member thereof, other than the mayor, and shall hold his office during the pleasure of the council. The organization shall take place notwithstanding the absence, death, refusal to serve or non-election of the mayor or of one or more of the four councilmen, provided that at least three of the persons entitled to be members of the council are present and take the oath as aforesaid. Any person entitled to take the oath, who is not present at the time of organization, may take the same at any time thereafter.

Time and
place of
meetings, etc.

SECTION 9. The council shall prescribe the time and place of its meetings. Regular meetings of the council shall be held at least twice every month. The city clerk shall be, ex officio, clerk of the council. The city clerk and the mayor shall sign and attest all ordinances and resolutions. A majority of the members shall constitute a quorum to do business except that the affirmative votes of at least three members shall be necessary for the passage of any order, ordinance, resolution or vote. Less than a quorum may adjourn. Meetings of the council shall be public. The mayor, if present, shall preside and shall have the right to vote. In the absence of the mayor, the president of the council shall preside and in the absence of both, a chairman pro tempore shall be chosen. The council shall keep a record of its proceedings, which shall be a public record.

Ordinances,
resolutions,
etc.

SECTION 10. The yeas and nays shall be taken upon the passage of all orders, ordinances and resolutions and shall be entered upon the records. Upon the request of any member, the yeas and nays shall be taken and recorded upon any motion.

Members of
the council
not eligible

SECTION 11. No member of the council shall be elected or appointed to any office, position or employment, the

compensation of which was increased or fixed by the council while he was a member thereof until after the expiration of one year from the date when he ceased to be such a member. No member of the council, during the term for which he was chosen, shall be eligible, either by appointment or by election of the council, to any other office, the salary of which is payable by the city, or shall, during such term, hold any such other office. to other office, etc.

SECTION 12. The mayor, the president of the council, or any two members thereof, may at any time call a special meeting by causing a written notice, stating the time of holding such meeting and signed by the person or persons calling the same, to be delivered in hand to each member, or left at his usual dwelling place at least ten hours before the time of such meeting. Meetings of the council may also be held at any time when all the members are present and in writing consent thereto. Special meeting.

SECTION 13. Such powers of nomination, appointment, confirmation and election for and to office, of approval and consent to nominations and appointments, of removal or suspension from office and consent to removal or suspension from office as are now vested in all or any, the mayor, mayor and aldermen, city council, board of aldermen and common council shall be exercised by the council by vote, and the mayor shall no longer have power to make nominations or appointments for or to office, or removals or suspensions therefrom, but shall have the same right to vote thereon as any other member of the council. Nomination, appointment or election to office, etc.

SECTION 14. The salary of the mayor shall be twenty-five hundred dollars per annum and the salary of each councilman eighteen hundred dollars per annum. The salaries shall be payable in equal monthly installments. Salaries.

SECTION 15. The council shall at its first meeting or as soon as practicable thereafter, elect by majority vote the following officers: — A city clerk, solicitor, city treasurer and collector, auditor, chief of police, chief of fire department, city physician, three assessors, seven assistant assessors, superintendent of poor, health commissioner, city engineer, and such other officers and assistants as shall be provided for by ordinance and necessary to the proper and efficient conduct of the affairs of the city. These officers shall perform such duties as are imposed by law and by ordinance not inconsistent therewith. These officers shall be sworn to the faithful performance of their duties and shall hold Election of certain city officers.

their respective offices for the balance of the municipal year and until their successors are duly elected and qualified. The council shall, by ordinance, fix the compensation of all officers and employees of the city.

Removal from office.

SECTION 16. Any officer or assistant elected or appointed by the council may be removed from office at any time by vote of a majority of the members of the council, except as otherwise provided.

Ordinances to be published, etc.

SECTION 17. Every proposed ordinance shall be published once in full in at least two newspapers of the city at least ten days before its final passage. After such final passage it shall be again published once in at least two newspapers as amended and completed, except in case of an emergency ordinance, which may be passed as hereinafter provided and which shall take effect upon passage and be so published at the earliest possible moment.

Amendment or repeal of ordinance to be published.

When the council shall make or pass, amend or repeal, an ordinance, such ordinance, amendment or repeal, except as otherwise provided in this act, shall take effect at the expiration of ten days from its passage: *provided, however*, that, if there is a time therein specified when it shall take effect, and such time is more than ten days after its passage, such ordinance, amendment or repeal shall, except as otherwise provided in this act, take effect at the time so specified therein.

Proviso.

No ordinance or section thereof shall be amended or repealed except by an ordinance regularly adopted.

Ordinances not to require approval, etc.

SECTION 18. No ordinance made or passed by the council, or by the voters, as provided in this act, shall require the approval of any court or of the attorney-general, or, except as herein otherwise provided, shall be required to be published in order to become effective.

Certain ordinances to be proposed in writing, etc.

SECTION 19. The council shall not make or pass any ordinance, order, resolution or vote, appropriating money in excess of three hundred dollars or making or authorizing the making of any contract involving a liability on the part of the city in excess of three hundred dollars unless the same is proposed in writing and remains on file and is bulletined in the office of the city clerk at least one week before its passage, except an ordinance, order, resolution or vote for the immediate preservation of the public peace, health or safety which contains a statement of its urgency and is made or passed by a four fifths vote.

Powers of the council.

SECTION 20. Except as otherwise provided in this act, the council shall have power to do, without the approval of the mayor, all things which all or any, the city council,

board of aldermen or common council can now do with such approval.

SECTION 21. All notes, bonds or scrip which the city is authorized to issue, shall be signed by the treasurer and countersigned by a majority of the council.

Notes, bonds, etc.

SECTION 22. The mayor shall have no power of veto, and no order, ordinance, resolution or vote which the council or the voters shall make or pass shall be presented to him for, or shall require, his approval in order to be effective.

The mayor not to have the power of veto.

SECTION 23. The council shall each month print in pamphlet form a detailed itemized statement of all receipts and expenses of the city during the preceding month and shall furnish copies thereof to the Berkshire Athenæum, to the daily newspapers published in the city, and to persons who shall apply therefor at the office of the city clerk. At the end of each municipal year, the council shall cause a full and complete examination of all books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for publication of statements of monthly receipts and expenses.

Statement of receipts and expenses.

SECTION 24. Upon the death, resignation or absence of the mayor, or upon his inability to perform the duties of his office, the president of the council shall perform them, and if he also is absent, or unable from any cause to perform such duties, they shall be performed by such member of the council as it may from time to time elect, until the mayor or president of the council is able to attend to said duties, or until the vacancy is filled as hereinafter provided. The person upon whom such duties devolve shall be called "acting mayor", and, except as otherwise provided in this act, shall possess the powers of mayor but only in matters not admitting of delay.

The president of the council to perform certain duties upon the death, etc., of the mayor.

SECTION 25. If there is a vacancy, by failure to elect or otherwise, in the council, whether as to the mayor or one or more councilmen, the council shall, by its remaining members, call a special city election to fill the vacancy or vacancies for the unexpired term or terms respectively, except that if such vacancy or vacancies occur less than four months prior to the annual city election, the council shall, by its remaining members, fill such vacancy or vacancies for the unexpired term or terms respectively. A person elected to fill any such vacancy shall, before entering upon the duties of his office, take oath before the city clerk or a justice of the peace faithfully to perform the same.

Vacancies in the council, etc.

School committee, etc.

SECTION 26. The school committee of the city shall consist of the mayor, ex officio, and the four members of the school committee elected in accordance with the provisions of this act. It shall vote by yea and nay, on request of any member, and its votes shall be entered on its records. Three of its members shall constitute a quorum. The mayor, when present, shall preside.

School committee to approve site for new school building.
Plans, etc.

SECTION 27. No site for a school building shall be acquired by the city unless the approval of such site by the school committee is first obtained.

No plans for the construction of or alterations in a school building shall be accepted, and no work shall be begun on the construction or alteration of a school building, unless the approval of the school committee therefor is first obtained. Nothing herein contained shall require such approval for the making of ordinary repairs.

Vacancy in school committee.

SECTION 28. If there is a vacancy in the school committee, by failure to elect or otherwise, the council and the remaining members of the school committee shall meet in joint convention and elect a suitable person to fill such vacancy for the unexpired term. The mayor, if present, shall preside at such convention.

ELECTIONS.

Elections.

SECTION 29. The annual city election shall be held on the second Tuesday in December. Every special city election shall be held on a Tuesday. A preliminary election shall be held on the third Tuesday preceding every annual election, and on the third Tuesday preceding every special city election at which an officer is to be elected.

Nominations, etc.

SECTION 30. The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise. Nominations of candidates to be voted for at elections shall be made at a preliminary election. No special election for the election of a mayor or councilman shall be held until after the expiration of forty days from the calling of the preliminary election.

Name of candidate to be printed on ballot.

SECTION 31. The name of a candidate shall be printed upon the ballot at a preliminary election, when his statement and petition of nomination shall be filed in the manner and form and under the conditions hereinafter set forth.

Applicants for nomination to file statement.

SECTION 32. Any person qualified to vote for a candidate for mayor, councilman, or member of the school com-

mittee, may, at least ten days prior to the preliminary election, file with the city clerk a statement in writing of his candidacy for the nomination to the office in substantially the following form: —

STATEMENT OF CANDIDATE.

I, _____, on oath declare that I reside at _____
(number, if any) on (name of street) in the city of Pitts-
field; that I am a voter therein, qualified to vote for a can-
didate for the office hereinafter mentioned; that I am a
candidate for nomination for the office of (mayor, council-
man, or member of the school committee) for (state the
term) to be voted for at the preliminary election to be held
on Tuesday, the _____ day of _____, 19 ____ . I
request that my name be printed as such candidate on the
official ballots to be used at the preliminary election.

Form of
statement.

(Signed)

COMMONWEALTH OF MASSACHUSETTS.

Berkshire, ss.

Subscribed and sworn to on this _____ day of
19 __, before me,

(Signed)

Justice of the Peace (or Notary Public).

The candidate shall at the same time file therewith a
petition signed by at least twenty-five voters of the city
qualified to vote for a candidate for such office, which shall
be in substantially the following form: —

PETITION ACCOMPANYING STATEMENT OF CANDIDATE.

Whereas (name of candidate) is a candidate for nomina-
tion for the office of (mayor, councilman, or member of the
school committee) for (state the term) we, the undersigned,
voters of the city of Pittsfield, duly qualified to vote for a
candidate for said office, do hereby request that the name
of said (name of candidate) as a candidate for nomination
for said office, be printed on the official ballots to be used
at the preliminary election to be held on the _____ Tues-
day of _____, 19 ____ .

Form of
petition.

NAMES OF VOTERS.	Street number, if any.	Street.

Acceptance not
necessary.

No acceptance by a candidate for nomination named in such petition shall be necessary for its validity and the petition need not be sworn to.

Women may
be candidates
for school
committee.

SECTION 33. Women who are qualified to vote for members of the school committee may be candidates for nomination to that office at any preliminary election at which candidates for nomination for that office are to be voted for, and, at such preliminary election, may vote for, and only for, candidates for nomination for that office. They shall file the statement of candidate hereinbefore described, and the petition accompanying the statement of the candidate in all cases where the same is herein required to be filed by male candidates for nomination for that office.

Publication
of names of
candidates,
etc.

SECTION 34. On the first day, not being Sunday or a legal holiday, following the expiration of the time for the filing of the statements and petitions above described, the city clerk shall cause to be published in one or more newspapers published in the city, the names and residences of the candidates for nomination, who have duly filed statements and petitions, and the office and terms for which they are candidates for nomination, as they are to appear on the official ballots to be used at the preliminary election. The city clerk shall thereupon prepare and cause to be printed the ballots to be used at the preliminary election, and such ballots shall be the official ballots and the only ballots used at the preliminary election. They shall be headed as follows: —

OFFICIAL PRELIMINARY BALLOT.

Official
preliminary
ballot.

Candidates for nomination for mayor, councilmen, and school committee of the city of Pittsfield, at the preliminary election held on the day of in the year 19 . (The heading shall be varied in accordance with the offices for which nominations are to be made.)

SECTION 35. The name of each person who has filed a statement and accompanying petition as aforesaid, and his residence and the title and term of the office for which he is a candidate for nomination, shall be printed on the ballots, and the names of no other candidates shall be printed thereon.

Special ballots headed:

OFFICIAL PRELIMINARY BALLOT.

Candidates for nomination for members of the school committee of the city of Pittsfield at the preliminary election for nominations held on the day of in the year 19 , and containing the names and residences of the same candidates for nomination for member of the school committee as are on the regular official ballots, and the title and term of that office, shall be prepared in like manner for the use of women qualified to vote for members of the school committee.

Official preliminary ballot for school committee.

SECTION 36. No party or political designation or mark shall be added to the name of any candidate or otherwise printed upon any ballot to be used either at a preliminary election or at an annual or special city election, nor shall there be anything to show how a candidate was nominated or indicating his views or opinions.

No party designation permitted.

SECTION 37. Voters qualified to vote at a city election shall be qualified to vote at a preliminary election.

Qualification of voters.

SECTION 38. On the first day, not being Sunday or a legal holiday, following such preliminary election, the city clerk shall canvass the returns made by the election officers, and shall forthwith determine the result of the canvass, and publish the same in one or more newspapers published in the city.

Canvass of returns.

SECTION 39. The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the candidates, and except as herein otherwise provided, the only candidates for that office whose names shall be printed on the official ballots to be used at the election for the making of the nominations for which the preliminary election was held. If two or more persons are to be elected to the same office at an election, the several persons, to a number equal to twice the number so to be elected, receiving at the preliminary election the highest number of votes for nomination for that office or all said persons, if less than twice the number of those so to be elected, shall be the candidates, and the only candidates for that office whose names shall be printed on the official ballots to be used at such election.

Candidates whose names shall appear upon ballot.

SECTION 40. No acceptance of a nomination made at a preliminary election shall be necessary for the validity of such nomination.

Acceptance not necessary.

Persons receiving the highest number of votes to be deemed elected.

SECTION 41. At city elections other than preliminary elections, the person receiving the highest number of votes for an office shall be deemed and declared elected to such office, and if two or more persons are to be elected to the same office, the several persons, to the number to be chosen to such office, receiving the highest number of votes shall be deemed and declared to be elected; but persons receiving the same number of votes shall not be deemed to be elected, if thereby a greater number would be elected than are by law to be chosen.

Blank spaces on ballots.

SECTION 42. Spaces shall be provided on the ballot for questions which may be submitted to the voters.

Provisions of law to apply.

SECTION 43. The provisions of law relating to election officers, voting places for elections, election apparatus and blanks, calling and conduct of elections, manner of voting at elections, counting and recounting of votes at elections, corrupt practices and penalties shall apply to preliminary elections, except as is otherwise provided in this act.

Elections not to be invalidated.

SECTION 44. No informalities in the conduct of municipal elections shall invalidate the same, if they have been fairly conducted and in substantial conformity with the requirements of law.

Provisions to govern elections.

SECTION 45. Except as otherwise provided in this act, the laws of the commonwealth governing annual city elections, special elections of city officers and special elections in cities, shall, so far as they may be applicable, govern such elections in the city.

RECALL OF ELECTIVE OFFICERS.

Recall of elective officers.

SECTION 46. Any holder of an elective office whether elected thereto or appointed to fill a vacancy may be recalled and removed therefrom by the qualified voters of the city as herein provided.

Proceedings in cases of recall.

SECTION 47. Any qualified voter of the city may make and file with the city clerk an affidavit containing the name of the officer sought to be removed, and a statement of the grounds upon which removal is sought. The clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of petitions for such recall and removal, printed forms of which shall be kept in his office. Such petitions shall be issued by the clerk with his signature and official seal thereto attached; they shall be dated and addressed to the city council, shall contain the name of

the person to whom issued, the number of forms so issued, the name of the person sought to be removed, the office from which his removal is sought and the grounds of such removal as stated in said affidavit, and shall demand the election of the successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of said clerk. No defect in said form or record shall invalidate the same. The recall petition must be returned and filed with said clerk within thirty days after its issuance. Petitions to be effective shall be signed by qualified voters equal in number to at least twenty per cent of the last preceding vote cast for all the candidates for governor of the commonwealth by the voters of the city. Every voter who signs such petition shall sign it in person with his full surname, his Christian name and the initial of every other name which he may have and shall add thereto his residence on the previous first day of April with the street and number thereof, if any. Such signatures need not all be on one paper. One of the signers of each such paper shall make an affidavit thereto, upon information and belief that the statements therein contained are true, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All such papers for the recall of any one officer shall be fastened together and filed as one instrument, with the indorsement thereon of the names and addresses of three persons designated as filing the same.

Proceedings in cases of recall.

SECTION 48. Within ten days from the filing of the petition, the clerk with the assistance of the registrars of voters, shall ascertain by examination thereof and of the registration books and election returns, whether the petition is signed by the requisite number of qualified voters, and shall attach thereto a certificate showing the result of such examination. The council shall make an appropriation to be expended by the clerk for such extra help as may be necessary in carrying out the provision for the recall of an officer. If the clerk's certificate shows the petition to be insufficient, he shall within said ten days so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within ten days from the filing of the certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and attach thereto a certificate of the result. If still insufficient, or if

City clerk to examine petitions for recall.

no amendment is made, the clerk shall return the petition to one of the persons designated thereon as filing it without prejudice, however, to the filing of a new petition for the same purpose.

Petition to
be submitted
to council,
etc.

Proviso.

SECTION 49. If the petition or amended petition shall be found and certified by the clerk to be sufficient, he shall without delay submit the same to the council. If the officer sought to be removed does not resign within five days thereafter, the council shall thereupon order an election to be held not less than sixty nor more than seventy days from the date of the clerk's certificate that a sufficient petition is filed: *provided, however*, that if any other municipal election is to occur within ninety days from the date of the clerk's certificate, the council may, in its discretion, postpone the holding of the removal election to the date of such other municipal election. If a vacancy occurs in said office after the removal election has been ordered, the election shall nevertheless proceed.

Officer sought
to be removed
may be a
candidate.

SECTION 50. An officer sought to be removed may be a candidate to succeed himself and unless such officer otherwise requests in writing, the clerk shall place his name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same shall all be in accordance with the provisions of this act which relate to elections. The candidate receiving the highest number of votes shall be deemed to be elected.

Incumbent to
continue in
office until,
etc.

SECTION 51. The incumbent shall continue to perform the duties of his office until the determination of the result of the removal election. If then elected, he shall continue in office during his unexpired term, subject however to recall. If not then elected, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within ten days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

Person
removed by
recall not to be
appointed to
office.

SECTION 52. No person who has been removed from office by recall or who has resigned from such office while recall proceedings were pending against him shall be appointed to any office by the council within one year after such removal by recall or resignation.

Warrant for
removal, etc.

SECTION 53. In the warrant for removal election there shall be printed in not more than two hundred words the

reasons for demanding the recall of the officer as set forth in the recall petition and in not more than two hundred words the officer may justify his course in office.

DIRECT LEGISLATION BY THE PEOPLE.

SECTION 54. Any proposed ordinance may be submitted to the council by petition signed by qualified voters of the city equal in number to the percentage hereinafter required. The procedure in respect of such petition shall be the same as provided in sections forty-seven and forty-eight with such modification as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavit made.

Direct
legislation,
etc.

If the petition accompanying the proposed ordinance be signed by qualified voters equal in number to at least twenty per cent of the last preceding vote cast in the city for all candidates for governor of the commonwealth and contains a request that said proposed ordinance be submitted to a vote of the people, if not passed by the council, the clerk shall thereupon ascertain and certify its number of qualified signers; whereupon, if such certificate shows the required number of qualified signers, the council shall, within twenty days thereafter, either

(a) Pass said ordinance without alteration (subject to the referendum vote provided by section fifty-five);

(b) Call a special election unless a general or special municipal election is to be held within ninety days thereafter and at such general or special municipal election said proposed ordinance shall be submitted without alteration to the vote of the qualified voters of the city.

If the petition be signed by qualified voters equal in number to at least ten per cent and less than twenty per cent of the last preceding vote cast in the city for all candidates for governor of the commonwealth, as shown in the manner hereinbefore provided, and said proposed ordinance be not passed without alteration by the council within twenty days as hereinbefore provided, then such proposed ordinance, without alteration, shall be submitted by the council to popular vote at the next annual city election.

SECTION 55. No ordinance passed by the council shall take effect before ten days after its final passage and final publication except an emergency ordinance as provided in section nineteen. If, within said ten days a petition signed

Time of
taking effect
of certain
ordinances,
etc.

by qualified electors of the city, equal in number to at least twenty per cent of the last preceding vote cast in the city for all candidates for governor of the commonwealth, be presented to the council protesting against the passage of such ordinance or any part thereof, the same shall thereupon and thereby be suspended from taking effect. The council shall immediately reconsider such ordinance and if the same be not entirely repealed, the council shall submit it by the method herein provided to a vote of the qualified voters of the city, either at the next general municipal election, or at a special election which they, in their discretion, may call for that purpose, and such ordinance shall not take effect unless a majority of the qualified electors, voting upon the same at such election, shall vote in favor thereof.

The procedure in respect of such referendum petition shall be the same as provided in sections forty-seven and forty-eight with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavit made.

Proposed ordinance to be submitted to popular vote.

SECTION 56. The council may, of its own motion, submit to popular vote for adoption, or rejection at a general or special municipal election, any proposed ordinance or measure or a proposition for the repeal or amendment of any ordinance in the same manner and with the same force and effect as herein provided for submission on petition. If the provisions of two proposed ordinances or measures submitted at the same election are inconsistent, then the ballot shall be so printed that the voter

First: May choose between any measure or none, and

Second: May express his preference between one and the other.

If a majority of the votes on the first question is affirmative, then the measure receiving the larger number of votes shall become law.

Sample ballot, etc.

SECTION 57. The city clerk shall print and distribute to each voter a sample ballot together with the text of every measure to be submitted to a vote of the people.

The ballots used when voting upon such proposed ordinance shall state the nature of the ordinance in terms sufficient to show the substance thereof. If a majority of the qualified electors voting on such proposed ordinance shall vote in favor thereof, the same shall thereupon become an ordinance of the city.

Provision shall be made on each ballot for voting upon all proposed ordinances submitted at that election. The questions relating to proposed ordinances shall be printed on the ballots after the list of candidates, if there be any. There shall not be held under the provisions of sections fifty-four to fifty-seven more than one special election in any period of six months.

No ordinance adopted by popular vote shall be repealed or amended except by popular vote. The council may by ordinance make such regulations not inconsistent herewith as it may deem necessary to carry out the provisions of sections fifty-four to fifty-seven.

SECTION 58. The mayor, aldermen, and common councilmen and the city clerk in office when this act takes effect, shall comply with all the requirements of this act relating to elections to the end that all things may be done necessary to the nomination and election of the officers first to be elected under the provisions of this act.

Compliance with act relating to elections, etc.

SECTION 59. All special acts and parts of special acts applying to the city of Pittsfield inconsistent with this act are hereby repealed; and all general acts and parts of general acts inconsistent herewith shall not hereafter apply to the city of Pittsfield: *provided*, that such repeal shall not affect any act done or any right accruing or accrued or established, or any suit or proceeding had or begun in any civil case before the time when such repeal takes effect and that no offences committed and no penalty or forfeitures incurred under the acts or parts of acts hereby repealed shall be affected by such repeal; and *provided, also*, that all persons who at the time said repeal takes effect shall hold any office under said acts, shall continue to hold the same according to the tenure thereof except as is otherwise provided herein, and *provided, also*, that all ordinances of the city of Pittsfield in force at the time when said repeal takes effect, and not inconsistent with the provisions of this act, shall continue in force until the same are repealed or amended, and all officers elected under such ordinances shall continue in office according to the tenure thereof, except as is otherwise provided herein.

Repeal.

Provisos.

SECTION 60. Part III of this section shall not take effect until accepted by the voters of the city as herein provided, and if so accepted, it shall take effect for the next ensuing annual city election which shall be held on the third Tuesday of December in the year nineteen hundred and eleven.

Time of taking effect.

Thereafter the said annual election shall be held on the second Tuesday in December. For all other purposes Part III of this act if accepted shall take effect at ten o'clock in the forenoon on the first Monday of January, nineteen hundred and twelve.

PART IV.

Act to be
submitted to
registered
male voters.

SECTION 1. This act shall be submitted to the registered male voters of the city of Pittsfield at the state election in the year nineteen hundred and eleven. At the said election the voters shall vote primarily on the following question: "Shall Plan I, the present charter of the city of Pittsfield, as amended, be adopted?" and secondarily on the following question: If the present charter of the city of Pittsfield is repealed, shall the new charter of the city be: "Plan II which establishes a city government consisting of a mayor and a board of aldermen of seven members" or "Plan III which establishes a commission form of government to consist of five members."

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If on a majority of the votes cast at said election the primary question is answered in the affirmative, Plan I becomes the charter of the city of Pittsfield. If on said question a majority of the voters voting thereon shall vote "No", the present charter of the city of Pittsfield shall be repealed and the plan receiving the larger number of votes on the secondary question shall be adopted as the charter for the city of Pittsfield. Plan I shall include all of the provisions of Part I of this act and if said Plan I is adopted, Parts II and III of this act shall be inoperative. Plan II shall include all of the provisions of Part II of this act and if said Plan II is adopted, Parts I and III of this act shall be inoperative. Plan III shall include all of the provisions of Part III of this act and if said Plan III is adopted, Parts I and II shall be inoperative. If on any ballot, the voters shall vote for more than one plan on the secondary questions, so much of said ballot as refers to the secondary question shall not be counted.

Time of
taking effect.

SECTION 2. So much of this act as provides for its submission to the voters of the city of Pittsfield shall take effect upon its passage.

Approved July 19, 1911.

AN ACT TO REVIVE THE CHARTER OF THE EASTERN HOTEL COMPANY. *Chap. 733*

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and sixty-three of the acts of the year nineteen hundred and eleven, in so far as it applies to or affects the Eastern Hotel Company, is hereby repealed, and the charter, organization and acts of that company shall remain of the same force and effect which they had at the time of the passage of said act.

Charter of
Eastern Hotel
Company
revived.

SECTION 2. This act shall take effect upon its passage.

Approved July 19, 1911.

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A NEW BRIDGE OVER THE MERRIMAC RIVER IN THE CITY OF LAWRENCE. *Chap. 734*

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Essex are hereby authorized and directed, subject to the provisions of all general laws which may be applicable, to construct a new bridge, with suitable approaches, over the Merrimac river in the city of Lawrence at a point to be selected by said commissioners, which point, however, shall be east of the present bridge in Lawrence known as the Duck bridge. Such bridge shall be of such width, grade, material and construction as said county commissioners, with the approval of the board of harbor and land commissioners, shall deem reasonably necessary and proper. The cost of the said bridge shall not exceed the sum of three hundred and sixty-three thousand five hundred and four dollars and seven cents.

Construction
of a new
bridge over the
Merrimac
river, etc.

SECTION 2. The cost and expenses incurred hereunder shall in the first instance be paid by the county of Essex; and the county commissioners of said county are hereby authorized and directed to borrow on the credit of the county such sums of money as may from time to time be required for such cost and expenses. All moneys so borrowed shall be deposited in the county treasury, and the treasurer of the county shall pay out the same as ordered by said county commissioners, and shall keep a separate and accurate account of all sums borrowed and expended, including interest.

Cost to be
paid by the
county of
Essex, etc.

Statement of
cost to be
filed with the
clerk of
courts, etc.

Proviso.

SECTION 3. Upon the completion of said bridge and approaches said county commissioners shall file in the office of the clerk of courts for the county of Essex a detailed statement, certified under their hands, of the actual cost of said bridge and approaches; and within three months after the filing of such statement, they shall, after such notice as they may deem proper, and a hearing, assess and apportion upon said county such part of the expense of constructing said bridge and approaches as they may deem just, and shall assess and apportion the remainder of said expense upon the cities, or cities and towns, determined by them to be specially benefited by said bridge, in such proportions as they may determine: *provided, however*, that not more than forty per cent of the said expense shall be assessed upon the county of Essex. Said commissioners shall make and file in the office of the clerk of courts of said county a report of such apportionment, and the clerk shall transmit a true and attested copy thereof to the mayor of the cities and the selectmen of the towns mentioned therein; and each of said cities and towns shall pay its proportion of said expense, determined as aforesaid, into the treasury of the county of Essex, in such manner and in such instalments as the said commissioners may direct; and if any city or town shall neglect or refuse to pay its proportion required as aforesaid, the said commissioners shall, after notice to such city or town, issue a warrant against the city or town for its proportion, determined as aforesaid, with interest and the costs of the notice and warrant, and the same shall be collected and paid into the treasury of said county to be applied in payment of the expense aforesaid.

May take
lands, rights,
etc.

SECTION 4. The said county commissioners are authorized to take or purchase the lands, rights or easements which may be required to carry out the purposes of this act; but in order to take otherwise than by purchase they shall first record in the registry of deeds for the northern district of the county of Essex a statement containing a description of the lands or rights taken, and shall file a plan of the same in said registry. They shall award such damages to persons interested in the premises or rights taken as are assessed in the case of lands taken for highways; and any person aggrieved thereby may proceed in the same manner as in the case of land taken for highway purposes, within one year after the filing of said statement; but in no event shall interest be recovered against the county for more than four per cent per annum.

SECTION 5. The cost of the maintenance and operation of said bridge and approaches, after the completion of the same, shall be borne and paid by said county, and by such city, or by such cities and towns therein, as the county commissioners of said county may determine, after notice and hearing as herein provided.

Payment of maintenance and operation, etc.

SECTION 6. In case any street railway is granted a location upon the said bridge, it shall pay into the treasury of said county, as its part of the expense of constructing the bridge and the approaches thereto, a sum amounting to not less than fifteen per cent of the said expense, and shall also enter into an agreement with the county commissioners of said county to keep that part of the roadway on said bridge lying between the tracks of the company and eighteen inches outside thereof on both sides of the track, in repair and safe for public travel; and no location shall be granted upon said bridge except upon the foregoing conditions.

Street railway company to pay for location, etc.

SECTION 7. No member of the board of county commissioners shall be disqualified from serving under this act by reason of his residence in any city within the limits of which any part of said bridge or its approaches may lie, any provision of section twenty of chapter twenty of the Revised Laws to the contrary notwithstanding.

Members of board not disqualified from acting, etc.

SECTION 8. This act shall be submitted to the voters of the city of Lawrence at the state election in the current year in the form of the following question: "Shall chapter of the acts of the year nineteen hundred and eleven, providing for a new bridge over the Merrimac river in the city of Lawrence, to be constructed partly at the expense of the said city, be accepted, and shall the said bridge be built?" If a majority of the voters voting thereon vote in the affirmative, this act shall thereupon take effect; otherwise, it shall be void.

To be submitted to the voters of the city of Lawrence.

Approved July 19, 1911.

AN ACT RELATIVE TO CAUCUSES OF POLITICAL PARTIES. *Chap. 735*
Be it enacted, etc., as follows:

Section one hundred and forty of chapter five hundred and sixty of the acts of the year nineteen hundred and seven is hereby amended by striking out the words "delegates to the state convention", in the first and second lines, and inserting in place thereof the words: — candidates for a city or town election, — and by striking out the word "October", in the sixteenth line, and inserting in place

1907, 560, § 140, amended.

Caucus
officers,
election,
etc.

Certain
persons not
eligible, etc.

Term of
office, etc.

thereof the words: — the month, — so as to read as follows: — *Section 140.* At the caucus held for the choice of candidates for a city or town election there shall be chosen annually a warden, a clerk, and at least five inspectors, and, in wards having more than five precincts, such additional inspectors as the city committee of the political party whose caucuses are to be held may determine. They shall be voters of the ward or town in which they are elected and members of the political party whose caucus is to be held. No person shall be eligible to the position of warden or clerk or inspector who is a state, county or city employee, or who is a member of a ward or town committee, and no person shall serve as a caucus officer at any caucus wherein he is a candidate for a nomination to an elective office, or for ward or town committee. Every caucus officer shall hold office for one year, beginning with the first day of the month succeeding his election, and until his successor is elected. He shall, before entering upon the performance of his duties, be sworn to the faithful performance thereof by the warden, clerk, or a justice of the peace, and a record of such oath shall be made upon the record book of such caucus. The respective duties of caucus officers shall be in general the same as are required of election officers at elections.

Approved July 19, 1911.

Chap.736 AN ACT RELATIVE TO THE NOTICE OF INTENTION OF MARRIAGE.

Be it enacted, etc., as follows:

R. L. 151, § 16,
amended.

Notice of
intention of
marriage, etc.

SECTION 1. Section sixteen of chapter one hundred and fifty-one of the Revised Laws is hereby amended by inserting after the word “shall”, in the second line, the words: — not less than five days, — so as to read as follows: — *Section 16.* Persons who intend to be joined in marriage in this commonwealth shall, not less than five days before their marriage, cause notice of their intention to be entered in the office of the clerk or registrar of the city or town in which they respectively dwell, or, if they do not dwell within the commonwealth, in the office of the clerk or registrar of the city or town in which they propose to have the marriage solemnized.

R. L. 151, § 23,
amended.

SECTION 2. Section twenty-three of said chapter one hundred and fifty-one is hereby amended by inserting at the beginning thereof the words: — After the expiration

of five days from the date of the entry of such intention, — so as to read as follows: — *Section 23.* After the expiration of five days from the date of the entry of such intention the clerk or registrar shall deliver to the parties a certificate signed by him, specifying the time when notice of the intention of marriage was entered with him and all facts relative to the marriage which are required by law to be ascertained and recorded, except those relative to the person by whom the marriage is to be solemnized. Such certificate shall be delivered to the minister or magistrate before whom the marriage is to be contracted, before he proceeds to solemnize the same.

Marriage certificate may be issued, etc.

SECTION 3. Section twenty-five of said chapter one hundred and fifty-one is hereby amended by inserting after the word “certificate”, in the first line, the words: — before the expiration of the period specified in section two of this act, except as hereinafter prescribed, or, — so as to read as follows: — *Section 25.* If the clerk or registrar issues such certificate before the expiration of the period specified in section two of this act, except as hereinafter prescribed, or to a male under the age of twenty-one years, or to a female under the age of eighteen years, when he has reasonable cause to believe the person to be under such age, except upon the application or consent in writing of the parent, master or guardian of such person, he shall forfeit not more than one hundred dollars; but if there is no parent, master or guardian in this commonwealth competent to act, a certificate may be issued without such application or consent.

R. L. 151, § 25, amended.

Penalty for issuing certificate to certain minors.

SECTION 4. Upon application by both of the parties to an intended marriage, a judge of probate or the justice of a police, district or municipal court within whose jurisdiction either party resides, may, after hearing such evidence as is presented, grant a certificate stating that in his opinion it is expedient that the intended marriage be solemnized without delay. Upon the presentation of such a certificate, or a copy thereof certified by the clerk of the court by which it was issued, the clerk or registrar of the city or town in which the intention to be joined in marriage has been filed shall at once issue the certificate prescribed in section two of this act.

Duties of judge of probate, etc.

SECTION 5. Section twenty-five of chapter two hundred and four of the Revised Laws, as amended by chapter one hundred and twenty-one of the acts of the year nineteen

R. L. 204, § 25, etc., amended.

hundred and eight, is hereby further amended by adding at the end of the first sentence thereof the words: — at the time of such entry or filing, — so as to read as follows: — *Section 25.* The fees of town clerks shall be as follows: — For entering notice of an intention of marriage and issuing the certificate thereof, and for entering the certificate of marriage which is filed by persons married out of the commonwealth, one dollar, which shall be paid by the parties at the time of such entry or filing. For a certificate of a birth or death, ten cents.

Fees.

SECTION 6. The five days' notice required by the provisions of this act shall not apply to cases in which either of the parties to an intended marriage has arrived as an immigrant from a foreign country within five days.

Not to apply in certain cases.

SECTION 7. This act shall take effect on the first day of January, nineteen hundred and twelve.

Time of taking effect.

Approved July 19, 1911.

Chap.737 AN ACT TO AUTHORIZE THE FOXBOROUGH WATER SUPPLY DISTRICT TO MAKE AN ADDITIONAL WATER LOAN FOR THE PURPOSE OF SUPPLYING THE INHABITANTS OF EAST FOXBOROUGH WITH WATER.

Be it enacted, etc., as follows:

SECTION 1. The Foxborough Water Supply District, for the purpose of supplying the inhabitants of East Foxborough with water under the provisions of chapter three hundred and thirty-nine of the acts of the year eighteen hundred and ninety-four, may issue bonds, notes or scrip to an amount not exceeding ten thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Foxborough Water Supply District Water Loan, Act of 1911; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four and one half per cent per annum; and shall be signed by the treasurer and countersigned by the board of water commissioners of said district. The district may sell such securities at public or private sale, for the purposes of this act, upon such terms and conditions as it may deem proper, but they shall not be sold for less than their par value.

Foxborough Water Supply District Water Loan, Act of 1911.

SECTION 2. Said district shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments, beginning not more than

Payment of loan.

five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the said bonds, notes or scrip, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed and collected by said district in each year thereafter in a manner similar to that in which other taxes are assessed, until the debt incurred by said loan is extinguished.

SECTION 3. This act shall take effect upon its passage.

Approved July 19, 1911.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM *Chap. 738*
OF MONEY ANNUALLY TO JOHN J. CARNEY.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay John J. Carney of that city, a former member of the fire department of the city, an annual pension equal to one half of the compensation which he was receiving from the fire department at the time of his retirement, the said Carney having been retired on account of illness contracted while in the discharge of his duty as a member of the said department.

The city of Boston may pay a sum of money to John J. Carney.

SECTION 2. This act shall take effect upon its acceptance by the city council of the city of Boston, with the approval of the mayor and fire commissioner.

Time of taking effect.

Approved July 19, 1911.

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A NEW *Chap. 739*
BRIDGE OVER THE WEYMOUTH BACK RIVER IN THE TOWNS
OF WEYMOUTH AND HINGHAM.

Be it enacted, etc., as follows:

SECTION 1. The three members of the board of harbor and land commissioners, the chairman of the county commissioners of Norfolk county and the chairman of the county commissioners of Plymouth county are hereby appointed as a board of bridge commissioners and are authorized and directed, within one year after the passage of this act, subject to the provisions of chapter ninety-six

Construction of a new bridge over Weymouth Back river, etc.

of the Revised Laws, of all amendments thereof, and of all other general laws which may be applicable, to remove the existing bridge or bridges and to construct a new bridge with suitable approaches substantially replacing the present bridge over the Weymouth Back river, so-called, connecting the town of Weymouth with the town of Hingham, at an expense not exceeding eighty thousand dollars. The said bridge shall be constructed with a draw having an opening of not less than fifty feet in width, and shall be of such width, grade, material and construction as said board of bridge commissioners shall deem reasonably necessary and proper. The bridge commissioners shall receive such compensation as shall be determined by the governor and council, and their compensation shall be included in the cost of constructing the bridge.

Cost to be paid by the counties of Norfolk and Plymouth, etc.

SECTION 2. The cost and expenses incurred hereunder shall in the first instance be paid one half by the county of Norfolk and one half by the county of Plymouth; and the county commissioners of said counties, respectively, are hereby authorized and directed to borrow on the credit of their respective counties such sums of money as may from time to time be required for the said cost and expenses. All money so borrowed shall be deposited in the county treasury, and the treasurer of the county shall pay out the same as ordered by the board of bridge commissioners, and shall keep a separate and accurate account of all moneys borrowed and expended, including interest: *provided, however*, that neither of said counties shall be required to pay in the aggregate for the said purpose a sum exceeding forty thousand dollars.

Proviso.

Contracts.

SECTION 3. The said bridge commissioners are hereby authorized to make all contracts which may be necessary for the construction of said bridge: *provided, however*, that no contract so made shall be valid until it is approved by the governor and council.

Proviso.

Lands may be taken, etc.

SECTION 4. The said bridge commissioners are hereby authorized to take in fee simple, or to acquire by purchase or otherwise, any lands with the structures thereon and any property or property rights, including the location of any street railway company, which in their judgment may be required in the building of the said bridge.

Estimate of damages, etc.

SECTION 5. The said bridge commissioner shall estimate and determine all damages that may be sustained by any person or corporation by the taking of land or other

property, or injury thereto, as aforesaid; but any person or corporation aggrieved by their determination may have his or its damages assessed by a jury in the manner provided by law with respect to damages sustained by reason of the laying out of highways: *provided, however*, that if the street railway company or companies now owning or operating the street railway across said river at said bridge shall receive a location for a single track street railway on the new bridge to be built under this act, the location on the new bridge shall be accepted as full compensation for loss of the present bridge and railway location across said river.

Proviso.

SECTION 6. When the said bridge and approaches are completed, and the full cost and expense of the same, including damages, if any, awarded under the preceding section are ascertained, the said bridge commissioners shall file, in the office of the clerk of the superior court for the county of Norfolk, their report of the fact, together with a detailed statement of the amount of the cost and expense, whereupon and upon the application of said bridge commissioners or of any party interested, and after such notice as the court may order, a hearing shall be had upon the approval and acceptance of the said statement, and when the same has been approved and accepted by the court it shall be binding upon all parties interested.

Statement of expenses to be filed with the clerk of the superior court, etc.

SECTION 7. The cost and expenses incurred under the provisions of this act, approved by the court as aforesaid, shall be borne as follows: forty-five per cent by the commonwealth of Massachusetts, twenty per cent by the county of Norfolk, twenty per cent by the county of Plymouth, and fifteen per cent by any street railway company that may apply for and be granted a location on said bridge by the towns of Weymouth and Hingham in the manner now provided by law; and the county of Plymouth and the county of Norfolk shall thereupon be reimbursed for such sums of money as they have respectively expended under the provisions of this act by said parties and to the extent necessary to cause the cost and expense as aforesaid to be borne in the proportions aforesaid: *provided, however*, that any sums that may be received from the United States in reimbursement of these expenditures shall be distributed as follows: forty-five per cent to the commonwealth of Massachusetts, twenty per cent to the county of Norfolk, twenty per cent to the county of Plymouth, and fifteen per cent to the street railway company.

Apportionment of expense, etc.

Proviso.

Maintenance
and repair,
etc.

SECTION 8. The cost of maintaining the said new bridge and of keeping the same in repair, including the cost of operating the draw therein, shall be borne as follows: the street railway, if any, shall at its own expense maintain its track; that is, the rails, cross ties, if any, and the planking between the rails. The two counties shall, each at its own expense, maintain one half of the remainder of the planking of the floor. The maintenance of the rest of the bridge, including the operation of the draw, shall be in charge of a board consisting of the county commissioners of each county and the expense of such maintenance shall be borne equally by the two counties and the street railway, each paying one third of the cost. The bridge commissioners created by this act are hereby authorized and instructed to apply to the congress of the United States for an appropriation to reimburse the commonwealth for a part of the cost of building the bridge, and the attorney-general is hereby instructed to assist the commissioners in presenting to congress the justice of the claim.

Liability for
defects, etc.

SECTION 9. Liability for defects in the bridge and its abutments shall be as follows: the street railway shall be liable for defects in the track and planking maintained by it. The two counties shall be liable for defects in the planking maintained by them; and the street railway and the two counties shall be jointly liable for defects in the other parts of the bridge which are maintained at their joint expense.

Repeal.

SECTION 10. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 11. This act shall take effect upon its passage.

Approved July 20, 1911.

Chap. 740 AN ACT TO AUTHORIZE THE CONSOLIDATION OF PROPERTIES AND FRANCHISES OF THE BOSTON ELEVATED RAILWAY COMPANY AND THE WEST END STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

Consolidation
of the Boston
Elevated
Railway Com-
pany and the
West End
Street Rail-
way Company
authorized.

SECTION 1. The West End Street Railway Company is authorized to sell, and the Boston Elevated Railway Company is authorized to purchase the property, privileges and franchises of the West End Street Railway Company upon the terms and under the conditions hereinafter set forth, such sale and purchase, if made, to take effect upon the expiration of the present lease from the West End

Street Railway Company to the Boston Elevated Railway Company on the tenth day of June, nineteen hundred and twenty-two.

The West End Street Railway Company shall, prior to the fifteenth day of September, nineteen hundred and eleven, hold a meeting of its stockholders, specially called for the purpose, to vote upon the question whether said company shall so sell its property, privileges and franchises to the Boston Elevated Railway Company upon the terms hereinafter set forth. The Boston Elevated Railway Company shall, prior to the fifteenth day of September, nineteen hundred and eleven, likewise hold a meeting, specially called for the purpose, to vote upon the question whether said company shall so purchase the property, privileges and franchises of the West End Street Railway Company. If such sale and purchase respectively are so authorized by the holders of not less than a majority in amount of the capital stock of the West End Street Railway Company voting thereon at such meeting, and by the holders of not less than a majority in amount of the capital stock of the Boston Elevated Railway Company likewise voting thereon at such meeting, certificates evidencing such action shall be filed with the secretary of the commonwealth, and said sale shall be made as authorized.

Time of holding meeting to vote upon the question, etc.

If the said sale and purchase are not so authorized by the holders of at least a majority in amount of the capital stock of said companies voting thereon at such meetings prior to said date, then all authority hereunder to make said sale and purchase shall cease.

Majority of the capital stock of both companies required, etc.

SECTION 2. For the purpose above mentioned the Boston Elevated Railway Company is authorized to increase its capital stock by an amount equal at par to the par value of the capital stock of the West End Street Railway Company outstanding at the time of purchase. Such new stock shall consist of shares of the par value of one hundred dollars each, and shall be divided into first preferred stock and second preferred stock, the aggregate par value of the first preferred stock to be equal to the aggregate par value of the preferred stock of the West End Street Railway Company outstanding at the date of purchase, and the aggregate par value of the second preferred stock to be equal to the aggregate par value of the common stock of the West End Street Railway Company outstanding at the date of purchase; and upon the issue thereof no other stock

Capital stock may be increased, etc.

Capital stock
may be
increased, etc.

shall thereafter be issued prior or equal to such first preferred and second preferred stock without the consent of two thirds of the holders of such stocks respectively. The first preferred stock, issued under and to carry into effect the provisions of this act, shall be forever entitled in preference and priority over all other stock of said corporation to semi-annual dividends to be paid out of the net profits of the corporation on the first days of January and July in each year at the rate of eight per cent per annum and no more, which dividends shall be cumulative. The second preferred stock, issued under and to carry into effect the provisions of this act, shall be forever entitled in preference and priority over all other stock of said corporations, except said first preferred stock, to semi-annual dividends to be paid out of the net profits of the corporation on the first days of April and October in each year, at a rate to be determined as hereinafter provided, which dividends shall be cumulative. In case of dissolution or liquidation, the holders of said first preferred and second preferred stock, issued under and to carry into effect the provisions of this act, shall be entitled to the payment of the par value of their shares and all accrued and unpaid dividends before any payment is made to the holders of any other shares, and the remainder of the assets of the corporation shall be distributed among the holders of the other stock. Said first and second preferred stock shall have the same power of voting and transfer as said other stock, and shall be counted with said common stock in all questions of majorities and quorums, but said first preferred stock shall not be entitled to participate in any increase or issue of new stock, common or preferred, which may at any time be made by said corporation. The second preferred stock shall have the same right as the common stock to participate in any increase or issue of such new stock. Dividends on said first and second preferred stock shall accrue from the dates of the last payment of dividends prior to the said purchase on the preferred and common stock, respectively, of the West End Street Railway Company.

Rate of
dividend.

SECTION 3. The rate of dividend upon said second preferred stock shall be seven per cent per annum and no more, unless a higher rate is fixed as hereinafter provided.

Arbitrators
to be ap-
pointed by
the chief
justice of the

The West End Street Railway Company shall, if requested so to do in writing between the first day of January, nineteen hundred and twenty-two, and the first day of April,

nineteen hundred and twenty-two, by the holders of not less than ten per cent of its then outstanding common stock, make application on or before the first day of April, nineteen hundred and twenty-two, to the chief justice of the supreme judicial court, who shall thereupon appoint a board of three disinterested arbitrators. Said arbitrators shall, as soon as may be, determine whether, in view of all pertinent circumstances, a rate of dividend upon said second preferred stock of the Boston Elevated Railway Company of seven per cent per annum is lower than is fair and reasonable. If said arbitrators, or a majority of them, decide that such rate of seven per cent is lower than is fair and reasonable, the arbitrators shall determine what higher rate, not exceeding in any case eight per cent, would be fair and reasonable; and the rate so fixed shall thereafter be the dividend rate upon the second preferred stock. Said arbitrators shall hold public hearings at which the stockholders and directors of the West End Street Railway Company and the Boston Elevated Railway Company, the mayor of any city or the selectmen of any town in which said West End Street Railway Company or the Boston Elevated Railway Company at that time holds locations, and any citizens of any such city or town may be heard; and at such hearings the board of railroad commissioners shall present its views. Said arbitrators may also resort to any other sources of information in respect to the question submitted for determination, shall have authority to utilize the services of the board of railroad commissioners and its employees in securing such information, and may summon witnesses in behalf of the commonwealth, and administer oaths and take testimony. The fees of such witnesses for attendance and travel shall be the same as for witnesses in the superior court. On or before said first day of September, nineteen hundred and twenty-two, unless such time is extended by written order of the arbitrators, they shall make their determination in writing in duplicate, one copy to be delivered to the Boston Elevated Railway Company and the other to the secretary of the commonwealth. In case any vacancy shall at any time occur, by reason of the death, resignation or inability to serve of any arbitrator, his successor shall be appointed in the manner above provided for the original appointment of the arbitrators. Any determination by a majority of the arbitrators shall be final and conclusive. All fees and expenses of the arbitrators

shall be assessed upon the Boston Elevated Railway Company.

Issue of
new stock.

SECTION 4. For the purpose of paying for the property, privileges, and franchises of the West End Street Railway Company, the Boston Elevated Railway Company is hereby authorized to issue and deliver to the West End Street Railway Company at any time after April one, nineteen hundred and twenty-two, the amount of first and second preferred stock issued as above stated, and the West End Street Railway Company is hereby authorized to receive such stock in full payment for its property, privileges and franchises, subject to its existing indebtedness and liabilities, and to distribute the same among its own stockholders in the manner following: — To deliver to each of the holders of its own preferred stock an equal amount at par of the first preferred stock of the Boston Elevated Railway Company, and to the holders of its own common stock an equal amount at par of the second preferred stock of the Boston Elevated Railway Company. Upon such delivery the holders of stock of the West End Street Railway Company shall surrender their shares of stock in the West End Street Railway Company to the treasurer of the West End Street Railway Company who shall cancel the same as well as any shares delivered to that company under the provisions of the following sections. Such provision shall be made as may be agreed upon by the directors of said corporations for the issue of receipts for fractions of shares and their conversion into full shares.

“Non-assenting” stock-holders, etc.

SECTION 5. Any stockholder of the West End Street Railway Company, who at the meeting provided for in section one votes against the sale authorized by this act, may, within thirty days after the day of said meeting, file with the clerk of said company a writing declaring his opposition to the sale, and stating the number of shares held by him, and the number or numbers of the certificate or certificates evidencing the same, and shall at the same time present to said clerk the certificate or certificates of stock evidencing said shares to be stamped as “non-assenting.”

Upon transfer thereafter of any share or shares the certificate or certificates evidencing which are so stamped “non-assenting”, the certificates for said shares issued to the transferee shall in all cases be likewise stamped “non-assenting”, and the holder of such shares shall not be

entitled, at the time when the purchase and sale authorized by section one of this act take effect, to receive in exchange therefor either first or second preferred stock of the Boston Elevated Railway Company, but shall be entitled to receive the cash value of said shares to be determined as provided in section six. The clerk of the West End Street Railway Company shall at all times keep a separate record of certificates outstanding stamped "non-assenting", and duplicates of such record shall be filed from time to time with the Boston Elevated Railway Company. Any stockholder who at the time of the meeting provided for in section one is legally incapacitated from acting for himself and has no legal representative, may, within thirty days after the removal of such incapacity, file said declaration of opposition with the same effect as if he had voted against said sale.

SECTION 6. Any stockholder of the West End Street Railway Company who owns any share or shares of its stock, the certificates evidencing which are stamped "non-assenting", as above provided, may at any time between January one, nineteen hundred and twenty-two, and April one, nineteen hundred and twenty-two, request that his said shares be valued as hereinafter provided, and the value thereof shall in such case be paid, tendered, or deposited to or for the account of such holder in the manner following:

Share of
"non-assent-
ing" stock-
holders to be
valued, etc.

The stockholder may file a petition in the supreme judicial court within and for the county of Suffolk setting forth the material facts, and asking that the value of his shares may be determined. Thereupon, and upon such notice to all parties concerned as it may deem proper, the court shall pass an order requiring the certificate or certificates evidencing such shares, and duly endorsed, to be deposited with the clerk of the court, and shall appoint three commissioners to ascertain and report the value of the shares. The report shall be made to the court as soon as is practicable, and, after due notice to the parties in interest, shall be confirmed by the court unless some error of law be made to appear upon the face of the report, in which event it shall be recommitted to the commissioners with such order as the court may make, or unless either of the parties to said proceedings shall claim a trial by jury, in which latter event the court shall order the question of the value of the shares to be tried and determined by a jury in the superior court in the same manner in which other

Value may be
determined
by the court,
etc.

civil cases are tried in that court. Any stockholder who holds shares the certificates evidencing which are stamped "non-assenting", and who, during said period between the first day of January, nineteen hundred and twenty-two, and the first day of April, nineteen hundred and twenty-two, is legally incapacitated from acting for himself and has no legal representative, may file the said petition in the supreme judicial court within ninety days after the removal of such incapacity by the appointment of a legal representative or otherwise.

Liability to holders of shares, etc.

The Boston Elevated Railway Company shall be liable for, and shall pay all sums found due and payable to all holders of shares in the proceedings aforesaid, including such interest, cost and expenses as the court may order and shall likewise furnish such security for the said payment as the court may order. For the purpose of the foregoing section, the value of the shares of the West End Street Railway Company shall neither be increased nor diminished by reason of the provisions of this act or by the consolidation herein provided for.

"Non-assenting" shares to become the property of the West End Street Railway Company, etc.

SECTION 7. Upon payment, or tender or deposit with the clerk of the court of the value of said shares fixed as aforesaid, such "non-assenting" shares and the certificate or certificates thereof shall become the property of and shall be transferred and delivered to the West End Street Railway Company, whose right and title to receive the same and to hold possession thereof may be enforced by the court by any appropriate process, and the West End Street Railway Company shall, upon such payment or tender or deposit redeliver to the Boston Elevated Railway Company the first or second preferred shares to which the holder of such "non-assenting" shares would have been entitled, and the Boston Elevated Railway Company may sell the same in the manner and subject to the requirements prescribed by law, and apply the proceeds, so far as necessary, toward the reimbursement of the company for such payment or tender or deposit. If such proceeds are insufficient to reimburse the company for such payment or tender or deposit, the company may, in the manner and subject to the requirements prescribed by law, issue additional bonds or stock, or both, so far as may be necessary to provide for such reimbursement.

Exceptions.

Exceptions may be taken to any ruling or order of said court, to be heard and determined as in other civil cases.

The court may make all such orders for the enforcement of the rights of any party to the proceedings, for consolidation of two or more petitions and their reference to the same commissioners, for the consolidation of claims, for a trial by jury, for deposit of money in court, and for the payment of interest upon the value of the stockholders' shares as determined, and the payment of costs by one party to the other, as justice and the speedy settlement of the matters in controversy may require.

SECTION 8. After the necessary consent of the stockholders of the West End Street Railway Company and of the Boston Elevated Railway Company has been given to the purchase and sale authorized by section one of this act, any holder of common or preferred stock of the West End Street Railway Company may, on or before the tenth day of June, nineteen hundred and twenty-two, exchange his stock for an equal amount at par of the common stock of the Boston Elevated Railway Company; and, after the tenth day of June, nineteen hundred and twenty-two, any holder of the first or second preferred stock of the Boston Elevated Railway Company may exchange such first or second preferred stock for an equal amount at par of the common stock of the Boston Elevated Railway Company. The stock of the West End Street Railway Company so exchanged shall be held by the Boston Elevated Railway Company, and shall not be sold or incumbered without the consent of the board of railroad commissioners, and the market value thereof shall be deducted from the value of the corporate franchise of the Boston Elevated Railway Company for the purpose of ascertaining the amount of the tax on its corporate franchise. Upon the tenth day of June, nineteen hundred and twenty-two, all West End stock so acquired shall be cancelled, and shall not be taken into account in determining the aggregate par value of the first preferred and the second preferred stock to be issued by the Boston Elevated Railway Company and delivered to the West End Street Railway Company under the provisions of this act.

After consent of the stockholders to the sale, etc., stock may be exchanged, etc.

In case of the exchange of first or second preferred stock of the Boston Elevated Railway Company for common stock of that company, the first or second preferred stock so exchanged shall be cancelled and no other first or second preferred stock shall be issued in its place. The Boston Elevated Railway Company is hereby authorized to increase

Certain stock to be cancelled, etc.

its common stock from time to time for the purpose of effecting the exchange herein provided for.

Cash adjustment in respect to dividends, etc.

In connection with the exchange of the stock of the West End Street Railway Company for the stock of the Boston Elevated Railway Company, or of the first and second preferred stock of the Boston Elevated Railway Company for common stock of that company, there shall be a cash adjustment in respect of the accrued and unpaid dividends upon the stock of the West End Street Railway Company and the Boston Elevated Railway Company respectively, and if the parties are unable to agree upon such adjustment the same shall be determined, upon the application of either party, by the board of railroad commissioners.

Sale and purchase, etc.

SECTION 9. If the necessary consent of the stockholders of the West End Street Railway Company and of the Boston Elevated Railway Company shall be given to the purchase and sale authorized by section one of this act, the West End Street Railway Company shall forthwith sell, and the Boston Elevated Railway Company shall forthwith purchase, all the real estate of the West End Street Railway Company which is not required in the conduct of the business of said companies or either of them, for such price as the companies may agree upon. If the companies are unable to agree either upon what real estate is not required for the conduct of said business, or upon the price to be paid therefor, the same shall be determined, upon the application of either company, by the board of railroad commissioners. The proceeds of said sale to an amount not exceeding one million five hundred thousand dollars shall be held as a special trust fund by the Boston Elevated Railway Company and be invested by it and allowed to accumulate until the tenth day of June, nineteen hundred and twenty-two. Thereafter the Boston Elevated Railway Company shall continue to invest said fund with its accumulations to that date, and shall apply the annual income thereof to the purchase and retirement of second preferred stock of the Boston Elevated Railway Company issued under, and to carry into effect, the purposes of this act. Such stock shall be purchased by the Boston Elevated Railway Company as cheaply as possible after tenders have publicly been invited. No part of said fund or its income shall be used for any other purpose except for the retirement of the aforesaid second preferred stock of the Boston Elevated Railway Company, in case said purchase and sale are effected.

Any second preferred stock so purchased shall be cancelled and no other second preferred stock shall be issued in its place. When all the second preferred stock has either been converted into common stock of the Boston Elevated Railway Company or has been retired as hereinbefore provided, or otherwise, said fund, with its accumulations, shall be applied by the Boston Elevated Railway Company to any purpose for which its stock and bonds can legally be issued.

Certain stock to be cancelled, etc.

SECTION 10. Upon the taking effect of the purchase and sale authorized by section one of this act the Boston Elevated Railway Company shall assume and be responsible for all the indebtedness and liabilities of the West End Street Railway Company, and shall, in respect to the construction, operation and maintenance of street railways, succeed to all the powers, privileges, rights and franchises, and be subject to all the duties, obligations, restrictions and liabilities of said West End Street Railway Company, so far as the same are not in conflict with the provisions of law then applicable to street railways owned, leased or operated by the Boston Elevated Railway Company. All rights or claims of either the West End Street Railway Company or the Boston Elevated Railway Company against the other, whether arising out of the lease executed between them December nine, eighteen hundred and ninety-seven, or otherwise, as they respectively may be at the time of the said purchase shall be deemed to be satisfied and extinguished by the said purchase and sale: *provided, however*, that the Boston Elevated Railway Company may, subject to the approval of the board of railroad commissioners, issue additional stock or bonds, or both, to provide means for paying for permanent additions to, and alterations and improvements in the property of the West End Street Railway Company made prior to the said purchase, and for which it shall not have been reimbursed by the West End Street Railway Company.

Responsibility for indebtedness and liabilities, etc.

Proviso.

SECTION 11. The provisions of this act shall not be construed as, nor taken to be, an extension for any purpose of the twenty-five year period fixed by section ten of chapter five hundred of the acts of the year eighteen hundred and ninety-seven, and shall not in any respect impair or abridge any power of the commonwealth or other public authority which would otherwise exist to revoke or modify any franchises, rights or privileges now or hereafter enjoyed by said companies or either of them.

Certain powers of the commonwealth not impaired, etc.

Certain authority for the construction of tunnels, etc., to cease, etc.

SECTION 12. Upon the close of the tenth day of June, nineteen hundred and twenty-two, all authority granted to the West End Street Railway Company by sections five and six of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-seven to construct and maintain tunnels, and all authority granted to said company under chapter four hundred and fifty-four of the acts of the year eighteen hundred and ninety to construct and operate a system of elevated railroads shall cease.

No rights, etc., to be acquired unless expressly granted.

SECTION 13. The Boston Elevated Railway Company shall not with respect to any street railway at any time owned, leased or operated by it, other than the street railways acquired from the West End Street Railway Company, acquire by virtue of this act any rights or privileges in addition to those already possessed or enjoyed by it except such as are expressly granted herein.

Facilities and rates, etc.

SECTION 14. The facilities for travel on the railways now or hereafter operated by the Boston Elevated Railway Company, shall not be diminished nor the rates of fare increased by reason of this act or of the purchase and sale herein authorized.

Default under existing lease, etc.

SECTION 15. If the Boston Elevated Railway Company shall at any time make any default under the existing lease from the West End Street Railway Company to it whereby the West End Street Railway Company may become entitled to terminate said lease, or if the Boston Elevated Railway Company should become bankrupt, or if the Boston Elevated Railway Company shall fail to furnish such security as the court may order for the payment of any sums found due to the holders of non-assenting shares as provided for in section six, then, in either of said cases, the West End Street Railway Company shall be relieved from its obligations to sell its property and franchises to the Boston Elevated Railway Company, as herein provided, and the fund provided for in section nine shall be transferred to the West End Street Railway Company.

Extension of contract, etc.

SECTION 16. If the necessary consent of the stockholders of the West End Street Railway Company and the Boston Elevated Railway Company shall be given to the purchase and sale authorized in section one of this act, the Boston Elevated Railway Company may, in its own name, execute an extension of the contract for the use of the Tremont street subway: *provided*, that such extension shall contain an express provision to the effect

Proviso.

that the use and control of said subway, under such extension, is subject to the rights of the West End Street Railway Company under Article II of the existing lease from the West End Street Railway Company to the Boston Elevated Railway Company, and the insertion of said provision shall be deemed a full compliance with that part of Article II which requires the embodiment in any renewal or extension of said subway contract of stipulations satisfactory to the West End Street Railway Company providing for the use and control of said Tremont street subway by the West End Street Railway Company upon the expiration or earlier termination of the lease.

Changes and alterations may be made in the Tremont street subway, so far as may be expedient in connection with the construction of the proposed Boylston street subway, and whenever the use and control of the Tremont street subway shall revert to the West End Street Railway Company, if two of the tracks therein are then operated as a part of or in connection with the Boylston street subway, the West End Street Railway Company shall accept as a substitute therefor the two additional tracks which have been constructed to be operated as a part of, or in connection with, the Tremont street subway.

Changes and alterations in subway, etc.

SECTION 17. This act shall take effect upon its passage.

Approved July 20, 1911.

AN ACT RELATIVE TO ELECTRIC RAILWAY TRANSPORTATION
FACILITIES IN THE CITY OF BOSTON AND ITS VICINITY.

Chap. 741

Be it enacted, etc., as follows:

PART I.

RELATIVE TO THE CONSTRUCTION OF ADDITIONAL TUNNELS
OR SUBWAYS IN THE CITY OF BOSTON.

Dorchester Tunnel.

SECTION 1. The Boston transit commission (hereinafter called the commission) shall construct in the city of Boston (hereinafter called the city) a tunnel (hereinafter called the Dorchester tunnel) designed to contain two railway tracks connecting with the tracks in the Park street station of the Cambridge connection, so-called, under Boston Common and Tremont street, and being an extension of said Cambridge connection, forming a continuous route

Construction of additional tunnels or subways in the city of Boston.

therewith and running under Winter and Summer streets to Dewey square, and thence by such route as may be approved by the commission, to a point at or near the junction of Dorchester avenue and Broadway in South Boston; thence in, under or near Dorchester avenue to a point in, at or near Andrew square in Dorchester, together with stations at or near the corner of Washington street and Summer street, at or near the South station, at or near the corner of Broadway and Dorchester avenue, and in, at or near Andrew square, and passageway connections with the Tremont street subway and the Washington street tunnel and the South station; and the commission in connection therewith may make such alterations or enlargements of the present Park street station of the Tremont street subway, and of the exits and entrances from and to such station, and of the station now being constructed at or near the Junction of park and Tremont streets for the tunnel of the Cambridge connection, so-called, and of the exits and entrances therefrom and thereto, as the commission may deem necessary or advisable.

Compensation
for injury to
property, etc.

With the consent of the Boston Terminal Company, the New York, New Haven and Hartford Railroad Company and the Boston and Albany Railroad Company, or with the consent of the board of railroad commissioners (hereinafter called the board), said tunnel may be constructed across or under property owned or occupied by the last named corporations, but in that event said corporations shall be entitled to recover compensation for any injury to their property to the same extent as private persons from whom takings may be made for the purposes of said tunnel.

Beginning of
work of con-
struction, etc.

SECTION 2. The commission shall not begin the work of construction until it has filed in the office of the commissioner of public works of the city a plan, signed by the commission, showing the proposed route, and the general form and method of construction, the location of proposed tracks, stations, approaches and connections, and the alignment and grade, which plan shall be submitted to the Boston Elevated Railway Company (hereinafter called the "company", which term shall be deemed to include its successors or assigns) for its examination, nor until the contract hereinafter mentioned for the use of said Dorchester tunnel has been executed. Any such plan so filed may be altered at any time by a new plan signed, submitted and filed in like manner.

SECTION 3. Within the time and upon the terms specified in Part II of this act, the commission, in the name and on behalf of the city of Boston, and the company, shall execute a contract in writing for the sole and exclusive use of the tunnel by the company for the running of its cars therein, and for such other uses as the commission and the company may agree upon, for a term of years and at an annual rental as specified in Part II of this act, and upon such other provisions and conditions not affecting the term or rental, and following the form of the contract made by and between the city, acting by the commission, and the company for the use of the Washington street tunnel, so far as the same may be applicable, as the commission and the company may agree upon, or, in case of difference, as the board may determine. The provisions of Part I of this act in so far as they declare, define or establish the terms and conditions for the construction, tenure, maintenance and operation of the tunnel shall be embodied in and made a part of said contract. The use of the tunnel shall begin when, in the opinion of the commission, a reasonable time after completion has been allowed for equipment. The net cost thereof shall be deemed to include, except as is otherwise provided herein, all expenditures incurred in acquisition and construction, including damages, expenses and salaries of the commission and the interest on the debt incurred in construction prior to the beginning of the use, and shall also include all expenses already incurred under the provisions of chapter ninety-four of the resolves of the year nineteen hundred and ten.

SECTION 4. The treasurer of the city of Boston shall from time to time, on request of the commission, issue and sell at public or private sale the bonds of the city, registered or with interest coupons attached, as he may deem best, to an amount not exceeding the cost of the tunnel provided for by section one of this act. Such bonds shall be designated on their face "Dorchester Tunnel Bonds"; shall be for such terms not exceeding forty-five years, as the mayor and treasurer of the city may determine; and shall bear interest payable semi-annually, at such rate, not exceeding four per cent per annum, as the treasurer shall determine. The proceeds of such bonds, including any premiums realized from the sale thereof shall be used to meet all damages, costs and expenses incurred by the commission or by the city in carrying out the provisions of this act for the construction of

Contract, etc.

Dorchester
Tunnel
Bonds.

the Dorchester tunnel. The proceeds from any sale or sales of lands or rights taken, or acquired by purchase or otherwise under authority of this act for the construction of said tunnel shall be used for the same purpose as the rentals of said tunnel, or shall be used for the payment of expenditures incurred for construction, as the commission may determine. All rentals, tolls, percentages or other annual compensation received by the city for any use of the tunnel under this act, or for any use of any lands or rights acquired under the provisions of this act for the Dorchester tunnel shall be used in the first instance for the payment of interest on the bonds issued for the cost of said tunnel, and the balance shall be used for the purposes specified in Part II of this act. Any interest received by the city upon the proceeds of the bonds prior to the expenditure of such proceeds shall be credited against interest during construction in ascertaining the net cost of the tunnel. The city shall have, hold and enjoy in its private or proprietary capacity, for its own property, the said tunnel and subway and all rents, tolls, income and profits from all contracts entered into by it for the use of said subway or tunnel or any part thereof, and the same shall never be taken by the commonwealth except on payment of just compensation.

BOYLSTON STREET SUBWAY.

SECTION 5. The commission shall construct in the city of Boston a subway (hereinafter called the Boylston street subway) so designed as to be adapted to contain two railway tracks, commencing with an open cut at or near the junction of Commonwealth avenue and Beacon street, thence continuing to, in, and under Commonwealth avenue, Charlesgate west, the Fenway, Charlesgate east, Newbury street, crossing under Massachusetts avenue; thence passing under or across private land and land of the city of Boston to a point under Boylston street near Hereford street; thence under Boylston street to a point at or near its junction with Arlington street; thence in and under public ways and public or private lands by such route as the commission may determine, to a point at or near the junction of Boylston street and Tremont street, and thence in or under Tremont street and public lands to a point at or near the Park street station of the Tremont street subway, together with stations at Massachusetts avenue, at Copley square, at or near the corner of

Construction
of the Boylston
street subway,
etc.

Boylston and Tremont streets, and at or near Park street. Instead of constructing said subway as a continuous line from Arlington street to Park street station, the commission may connect said subway at or near the junction of Boylston street and Tremont street with the tracks of the present Tremont street subway, and between that point and the Park street station may either enlarge the present Tremont street subway so as to provide for two additional tracks, or may construct a separate subway adapted to contain two railway tracks, connecting the same with the present Tremont street subway and the tracks located therein.

The cost of enlarging the Tremont street subway, if that is done, or of building said separate subway, as above provided, shall be included in the cost of the Boylston street subway.

Any tunnel or subway construction under, or within one hundred feet of, Boston Common shall be made, so far as is practicable, water tight, and the work shall be so done as to avoid the drainage of moisture from the surrounding soil, or other injury to the trees; and the commission may construct a suitable system of sub-soil irrigation above or near the line of any section of said subway constructed under the common, or may take any other measures which it may deem expedient for the preservation of the trees, to be paid for as a part of the cost of the subway. The commission shall not erect any additional permanent structures above the surface of the common.

SECTION 6. The commission shall not begin the work of construction until it has filed in the office of the commissioner of public works of the city a plan signed by the commission showing the proposed route, and the general form and method of construction, the location of proposed tracks, stations and approaches and the alignment and grade, which plan shall be submitted to the company for its examination, nor until the contract hereinafter mentioned for the use of said Boylston street subway has been executed. Any such plan so filed may be altered at any time by a new plan signed, submitted and filed in like manner.

Plan to be
filed.

SECTION 7. Within the time, and upon the terms specified in Part II of this act, the commission, in the name and on behalf of the city of Boston, and the company, shall execute a contract in writing for the sole and exclusive use of the subway by the company for the running of its cars therein, and for such other uses as the commission and the company

Contract for use
of subway, etc.

Contract for use
of subway, etc.

may agree upon, for a term of years, and at an annual rental as specified in Part II of this act, upon such provisions and conditions, not affecting the term or rental, and following the form of the contract made by and between the city, acting by the commission, and the company for the use of the Washington street tunnel, so far as the same may be applicable, as the commission and the company may agree upon, or in case of difference as the board may determine. The provisions of Part I of this act in so far as they declare, define or establish the terms and conditions for the construction, tenure, maintenance and operation of the subway shall be embodied in and made a part of said contract. The use of the subway shall begin when, in the opinion of the commission, a reasonable time after completion has been allowed for equipment. The net cost thereof shall be deemed to include, except as is otherwise provided herein, all expenditures incurred in acquisition and construction, including damages, expenses and salaries of the commission, and the interest on the debt incurred in construction prior to the beginning of the use, and shall also include all expenses already incurred in connection with the Riverbank subway authorized by chapter five hundred and seventy-three of the acts of the year nineteen hundred and seven.

Repeal.

SECTION 8. So much of chapter five hundred and seventy-three of the acts of the year nineteen hundred and seven as authorizes the construction of a subway and tunnel to be designated as the Riverbank subway is hereby repealed. The proceeds not already expended of the bonds already issued under section thirteen of said chapter, designated on their face as Boston Riverbank Subway Loan, including any premiums realized from the sale thereof, less the amount of said proceeds used as specified in section fourteen of this act, shall be used for the same purposes as the proceeds of the bonds authorized by section nine of this act, but no more such Riverbank subway bonds shall be issued after this act takes effect.

Treasurer of
the city of
Boston to
issue and sell
bonds, etc.

SECTION 9. The treasurer of the city of Boston shall, from time to time, on request of the commission, issue and sell, at public or private sale, the bonds of the city, registered or with interest coupons attached, as he may deem best, to an amount not exceeding the cost of the subway provided for by section five of this act, less the amount of the proceeds of any Riverbank subway bonds not already expended and not used as specified in section fourteen of this act. Such

bonds shall be designated on their face as Boylston Street Subway Bonds, shall be for such terms, not exceeding forty-five years, as the mayor and treasurer of the city may determine; and shall bear interest, payable semi-annually, at such rate, not exceeding four per cent per annum, as the treasurer shall determine. The proceeds of such bonds, including any premiums realized from the sale thereof, shall be used to meet all damages, costs and expenses incurred by the commission or by the city in carrying out the provisions of this act for the construction of the Boylston street subway. The proceeds of any sale or sales of land or rights taken, or acquired by purchase or otherwise, under the provisions of this act for the construction of said subway shall be used for the same purposes as the rentals of said subway, or shall be used for the payment of expenditures incurred for construction, as the commission may determine. All rentals, tolls, percentages or other annual compensation received by the city for any use of said subway under this act, or for any use of any lands or rights acquired under the provisions of this act for the Boylston street subway, shall be used in the first instance for the payment of interest on the bonds issued for the cost of said subway, and on the Riverbank subway bonds, and the balance shall be used for the purposes specified in Part II of this act. Any interest received by the city upon the proceeds of the bonds, prior to the expenditure of such proceeds, shall be credited against interest during construction in ascertaining the net cost of the said subway. The city shall have, hold and enjoy in its private or proprietary capacity for its own property the said tunnel and subway and all rents, tolls, income and profits from all contracts entered into by it for the use of said subway or tunnel or any part thereof, and the same shall never be taken by the commonwealth except on payment of just compensation.

Treasurer of the city of Boston to issue and sell bonds, etc.

EAST BOSTON TUNNEL EXTENSION.

SECTION 10. The commission shall extend the East Boston tunnel by constructing a tunnel and subway (to be designated as the East Boston tunnel extension) connecting with the existing East Boston tunnel at grade or otherwise, so designed as to be adapted to contain two railway tracks, beginning at or near the present terminus of the East Boston tunnel in Court street near Scollay square; thence under Court street to and through Scollay square; thence under

East Boston tunnel extension, etc.

East Boston
tunnel ex-
tension, etc.

Tremont row and under Court street to, under and through Bowdoin square, and thence under Cambridge street to a suitable connection with surface tracks in Cambridge street at a point at or near Lynde street, or at or near North Russell street, or between said streets, together with a station in or near Scollay square and a station in or near Bowdoin square, and with suitable approaches, sidings, entrances, elevators, inclines, connections and other structures; and the commission may, with the consent of the company, make any changes which it deems necessary or expedient in the existing subway and tunnel and such alterations or enlargements in the existing subway station in Scollay square and Court street and in the exits and entrances therefrom and thereto, as it may deem necessary or expedient. To provide for the connection of the tunnel extension with the surface tracks in Cambridge street, the commission, acting for this purpose in place of, and with all the powers of the board of street commissioners of the city of Boston and of the officer authorized to construct streets by chapter three hundred and ninety-three of the acts of the year nineteen hundred and six, may widen, alter and construct Cambridge street in such manner as the commission may deem necessary or advisable, and may assess betterments for the improvement under section five of said chapter.

Plan of
proposed
route to be
filed, etc.

SECTION 11. The commission shall not begin the work of construction until it has filed in the office of the commissioner of public works of the city a plan signed by the commission showing the proposed route or the location thereof, and the general form and method of construction, the location of proposed tracks, stations and approaches, and the alignment and grade, which plan shall be submitted to the company for its examination, nor until the contract hereinafter mentioned for the use of said East Boston tunnel extension has been executed. Any such plan so filed may be altered at any time by a new plan signed, submitted and filed in like manner.

Contract for
the use of the
tunnel ex-
tension, etc.

SECTION 12. Within the time and upon the terms specified in Part II of this act, the commission, in the name and on behalf of the city of Boston, and the company shall execute a contract in writing for the sole and exclusive use of the East Boston tunnel extension by the company for the running of its cars therein, and for such other uses as the commission and the company may agree upon, for a term of years and at an annual rental as specified in Part

II of this act, upon such provisions and conditions not affecting the term or rental, and following the form of the contract made by and between the city, acting by the commission, and the company for the use of the Washington street tunnel, so far as the same may be applicable, as the commission and the company may agree upon, or, in case of difference, as the board may determine. The provisions of Part I of this act in so far as they declare, define or establish the terms and conditions for the construction, tenure, maintenance and operation of the tunnel extension shall be embodied in and made a part of said contract. The use of the tunnel extension shall begin when, in the opinion of the commission, a reasonable time after completion has been allowed for equipment. The net cost thereof shall be deemed to include, except as is otherwise provided herein, all expenditures incurred in acquisition and construction and in making necessary changes in the East Boston tunnel, including damages, expenses (except damages and all other expenses for lands and rights in lands, or otherwise incurred, for the widening of Cambridge street, one half of which damages and expenses, less the betterments the city shall pay, in the same manner as for other work done under said chapter three hundred and ninety-three of the acts of the year nineteen hundred and six, and one half of which shall be considered as part of the cost of the tunnel extension and be paid for out of the proceeds of bonds issued under section thirteen), and salaries of the commission and the interest on the debt incurred in construction prior to the beginning of the use.

Contract for the use of the tunnel extension, etc.

SECTION 13. The treasurer of the city of Boston shall, from time to time, on the request of the commission, issue and sell at public or private sale the bonds of the city, registered or with interest coupons attached, as he may deem best, to an amount not exceeding the cost of the tunnel and subway provided for by section ten of this act. Such bonds shall be designated on their face East Boston Tunnel Extension Bonds; shall be for such terms, not exceeding forty-five years, as the mayor and treasurer of the city may determine; and shall bear interest payable semi-annually, at such rate, not exceeding four per cent per annum, as the treasurer shall determine. The proceeds of such bonds, including any premiums realized from the sale thereof, shall be used to meet all damages, costs and expenses incurred by the commission or by the city,

Issue and sale of bonds, etc.

Issue and sale
of bonds, etc.

except as aforesaid, in carrying out the provisions of this act relative to the construction of the said tunnel extension. The proceeds of any sale or sales of lands or rights taken or otherwise acquired under authority of this act for the construction of said tunnel extension (except lands and rights in land taken or purchased for the widening of Cambridge street, which shall be applied in reduction of the damages and expenses incurred for said widening), shall be used for the same purpose as the rentals of said tunnel extension, or shall be used for the payment of expenditures incurred for construction, as the commission may determine. All rentals, tolls, percentages or other annual compensation received by the city for any use of said tunnel extension under this act, and for any use of any lands or rights acquired under authority of this act for said tunnel extension, except as aforesaid, shall be used in the first instance for the payment of interest on the bonds issued for the cost of said tunnel extension, and the balance shall be applied to the purposes specified in Part II of this act. Any interest received by the city upon the proceeds of the bonds, prior to the expenditure of such proceeds, shall be credited against interest during construction in ascertaining the net cost of the said tunnel extension. The city shall have, hold and enjoy in its private or proprietary capacity, for its own property, the said subway and tunnel extension, and all rents, tolls, income and profits from all contracts entered into by it for the use of said subway and tunnel extension or any part thereof, and the same shall never be taken by the commonwealth except on payment of just compensation.

GENERAL PROVISIONS.

Investigation,
surveys, etc.,
to be made,
etc.

SECTION 14. The commission shall, immediately after the passage of this act, make such preliminary investigations, surveys and plans as it may deem expedient, and to that end may enter upon any lands, and place and maintain marks therein, and may make excavations and borings, and do all other acts necessary for such investigations and surveys, and may expend such sums as it deems necessary therefor. The expenses incurred in making such preliminary investigations, surveys and plans to an amount not exceeding fifty thousand dollars shall be paid from the proceeds of the Riverbank subway bonds. Upon the construction of the respective tunnels and subways herein

provided for such expenses shall be deemed a part of the cost thereof, and shall be charged to the respective subways and tunnels for which the expense was incurred.

SECTION 15. The construction of the Dorchester tunnel, the Boylston street subway and the East Boston tunnel extension, hereinbefore authorized, shall be begun, in each respective case, immediately after the contract for the use of such tunnel or subway has been executed by the commission and the company.

Beginning of work, etc.

SECTION 16. In connection with the construction of any tunnel or subway authorized by this act the commission may, for the purpose of avoiding objectionable curves or any practical or legal obstacles, vary or alter the routes herein respectively prescribed for the tunnels and subways, and for the said purposes may locate the tunnels, subways and stations or any of them, in whole or in part, on private or public lands. The commission may also, in connection with any tunnel or subway, construct such approaches, sidings, spur tracks, loops, entrances, inclines, elevators, connections and other structures as it may deem necessary. The commission may, with the consent of the company, make such alterations in the existing tunnels and subways, including stations and exits and entrances thereof, as it may deem necessary or advisable.

Variations and alterations in routes, etc.

SECTION 17. The commission may make contracts in the name of the city for the work herein authorized, but all contracts involving two thousand dollars or more in amount shall be in writing and signed by a majority of the commission; and no such contract shall be altered except by an instrument in writing, signed by the contractor and a majority of the commission, and also by the sureties, if any, on the bond given by the contractor for the completion of the original contract. No such contract, and no alteration of any such contract, shall be valid or binding on the city unless executed in the manner aforesaid.

Certain contracts to be in writing, etc.

SECTION 18. All work done under this act, under or near public streets and places shall be conducted, so far as may be practicable, in such manner as to leave such streets and places, or a reasonable part thereof, open for traffic between the hours of seven in the forenoon and six in the afternoon of each secular day, except legal holidays.

Streets to be kept open for traffic, etc.

SECTION 19. The commission may, for the purposes of this act, use public ways and lands without compensation therefor, and may take, or acquire by purchase or otherwise

Public ways and lands may be used, etc.

Public ways
and lands may
be used, etc.

for the city, lands in fee, and easements, estates and rights in land, including the right to go under the surface thereof or through or under buildings or parts of buildings thereon; and such taking in fee or otherwise may be made whether the lands taken or otherwise affected are held under or by title derived under eminent domain or otherwise, and may be made for the purpose of providing locations for pipes, wires, conduits, and other structures the relocation of which is made necessary or expedient by the construction of any subway or tunnel authorized by this act. A taking under this section of an easement or other estate or right in a given parcel of real estate, whether such parcel consists of unimproved land or of land and buildings, may be confined to a portion or section of such parcel fixed by planes or other surfaces of division, below, above, or at the surface of the soil; and in such case no taking need be made of upper or lower portions or sections, except of such easements therein, if any, as the commission may deem necessary. The commission, to make any taking by right of eminent domain, shall cause to be recorded in the registry of deeds for the county of Suffolk a description of the lands, easements, estates or rights to be taken, as certain as is required in a common conveyance of land, with the statement that the same are taken under authority of this act, which description and statement shall be signed by the commission; and the lands, easements, estates or rights therein described shall upon such recording be taken for and shall vest in the city. The commission shall, so far as may be practicable, notify all known owners of such taking, but the validity thereof shall not be affected by want of such notice.

Taking to be
recorded.

Structures
on lands
acquired may
be sold, etc.

SECTION 20. The commission may sell the buildings and other structures upon any lands acquired by it, or may remove the same; and shall sell, if a sale be practicable, or if not shall lease, any lands, or rights or interests in land or other property acquired for the purposes of this act, whenever the same shall, in the opinion of the commission, cease to be needed for such purposes. The proceeds of such sales and leases, and the fair valuation of any such lands or other property no longer needed for the said purposes, but not actually sold, as agreed upon by the commission and the company, or in case of difference as determined by the board, shall be deducted from the cost of the tunnel or subway for the construction of which such lands or other

property were acquired, for the purpose of ascertaining the rental thereof.

SECTION 21. The commission shall determine and award Damages. the damages sustained by any person by reason of property taken or injured by the commission under authority of this act, except public ways or lands, and may agree with any such person as to the amount of his damages, which amount the city shall be liable to pay. If any such person is dissatisfied with such award, or cannot agree with the commission upon his damages, the same may be determined by a jury in the superior court for the county of Suffolk, on petition therefor of such person, or of the commission, against the city, filed in the clerk's office within one year after the property is taken, entered on, or injured; and judgment shall be entered upon the determination of the jury and costs shall be taxed and execution issued in favor of the prevailing party as in civil cases. The members of the commission shall not be liable personally for any such damage. The provisions of sections seventeen to twenty-five, inclusive, and of section one hundred and fourteen, of chapter forty-eight of the Revised Laws, relating to procedure in case of damage to estates in which several parties have different or several interests shall apply to proceedings in such cases under this act.

SECTION 22. The commission may order the temporary Temporary removal of tracks, etc. removal or relocation of any surface tracks, and the temporary or permanent removal or relocation of any conduits, pipes, wires, poles or other property of any person or corporation which it deems to interfere with the construction or operation of any tunnel or subway authorized by this act, and shall grant new locations for any such structures so removed or relocated. Such orders, to the extent specified therein, shall be deemed a revocation of the right or license to maintain such tracks, conduits, pipes, wires, poles or other property, and the owner of any such structures in public ways or lands shall comply with the said orders without expense to the city. If any such owner shall fail to comply with the order of the commission within a reasonable time, to be fixed in the order, the commission may discontinue and remove such tracks, conduits, pipes, wires, poles or other property, and may relocate the same, and the cost of such discontinuance, removal or relocation shall be repaid to the city by the owner. No such discontinuance, removal or relocation shall entitle the owner of

the property thus affected to any damages on account thereof. Any such structures in or upon private lands may be removed and relocated by the commission, or if removed and relocated by the owner thereof, the reasonable expense shall be paid to him by the commission. Any gas or electric lighting company may shut off the gas or current from any pipes or wires affected by any acts done hereunder, so far as may be necessary to avoid danger of escape or explosion of gas, or other public danger.

Debts incurred not to be included within debt limit.

SECTION 23. Debts incurred by the city for the construction of the Dorchester tunnel, the Boylston street subway and the East Boston tunnel extension, including the widening of Cambridge street authorized by this act, shall not be considered in determining the statutory limit of indebtedness of the city.

Capital stock and bonds.

SECTION 24. The company, for the equipment of the tunnels and subways authorized by this act, and for all expenditures by the company required or authorized hereby, from time to time, in the manner and subject to the requirements prescribed by law, may issue and dispose of such amounts of its capital stock or bonds, or of each, at its option, in addition to the amounts heretofore authorized, as may be necessary therefor.

Powers and privileges.

In respect to the equipment, use and operation of the railway to be located in the tunnels and subways and transportation therein, the company shall have all the powers and privileges and be subject to all the duties, liabilities, restrictions and provisions set forth in general and special laws now or hereafter in force applicable to it. To provide for proper connections of the tracks in any subway or tunnel authorized by this act with surface tracks, the company may make such alterations or extensions of its surface tracks and appurtenances as the board may approve.

Board to consider and determine certain questions.

SECTION 25. Upon the determination by the commission of any important question relating to any plan or work herein provided for, except an award of or agreement upon damages, as provided in section twenty-one hereof, the company may, within three days after notice of such determination, apply to the board for a revision of the same, and thereupon the board may consider and finally determine such question.

Jurisdiction of court.

SECTION 26. The supreme judicial court and the superior court, upon application of any party in interest, including the city, the commission, the company or any ten taxable

inhabitants of the city, may enforce or prevent violation of the foregoing provisions of this act by any appropriate process.

PART II.

RELATIVE TO CONTRACTS FOR THE USE OF SUBWAYS AND TUNNELS WITHIN THE CITY OF BOSTON.

SECTION 27. The contract for the use of the Tremont street subway, so-called, shall be extended for a term beginning with the expiration of said present contract and ending on the first day of July, nineteen hundred and thirty-six, upon the same terms and conditions stated in said existing contract, except as is otherwise provided herein. The rental, from and after the expiration of the present contract, shall be a sum equal to four and one half per cent per annum on the net cost of said Tremont street subway.

Extension of contract of the Tremont street subway, etc.

SECTION 28. The lease of the East Boston tunnel to the Boston Elevated Railway Company shall be extended from the tenth day of June, nineteen hundred and twenty-two, until the first day of July, nineteen hundred and thirty-six, upon the same terms and conditions contained in the existing lease, except as is otherwise hereinafter expressly provided. The rental, after the tenth day of June, nineteen hundred and twenty-two, shall be a sum equal to four and one half per cent per annum on the net cost of the tunnel. The provision for the collection of tolls from passengers using the tunnel shall be eliminated from such extension.

Extension of lease of the East Boston tunnel, etc.

SECTION 29. The contract with the Boston Elevated Railway Company for the use of the Washington street tunnel shall be extended from the expiration of the present contract, on the thirtieth day of November, nineteen hundred and thirty-three, until the first day of July, nineteen hundred and thirty-six, such extension to be upon the same terms and conditions as are contained in the present contract, except as is otherwise provided hereinafter. The rental during such extension shall be at the rate of four and one half per cent per annum upon the net cost of the tunnel.

Extension of contract for the use of the Washington street tunnel, etc.

SECTION 30. The contract to be made with the Boston Elevated Railway Company for the use of the tunnel of the Cambridge connection, so-called, under the provisions of section twenty-three of chapter five hundred and twenty of the acts of the year nineteen hundred and six, shall be for a term ending on the first day of July, nineteen hundred and

Term of contract and rate of rental, etc., for the Cambridge connection.

thirty-six. The rental for a period of twenty years from the opening for use of the said tunnel shall be four and seven eighths per cent per annum upon the net cost of the tunnel, and thereafter until the first day of July, nineteen hundred and thirty-six, shall be at the rate of four and one half per cent per annum upon its net cost.

Term of contract and rate of rental, etc., of the Dorchester tunnel.

SECTION 31. The contract for the use of the Dorchester tunnel to be made with the Boston Elevated Railway Company, as provided in sections three and thirty-eight of this act, shall be for a term ending on the first day of July, nineteen hundred and thirty-six, and the rental shall be at the rate of four and one half per cent per annum upon the net cost of the said tunnel.

—of the Boylston street subway.

SECTION 32. The contract for the use of the Boylston street subway, to be made with the Boston Elevated Railway Company, as provided in sections seven and thirty-eight of this act, shall be for a term ending on the first day of July, nineteen hundred and thirty-six, and the rental shall be at the rate of four and one half per cent per annum upon the net cost of the said subway.

—of the East Boston tunnel extension.

SECTION 33. The contract for the use of the East Boston tunnel extension to be made with the Boston Elevated Railway Company, as provided in sections twelve and thirty-eight of this act, shall be for a term ending on the first day of July, nineteen hundred and thirty-six, and the rental shall be at the rate of four and one half per cent per annum upon the net cost of the said extension.

Term of other contracts, etc.

SECTION 34. All contracts for the use of the several subways and tunnels provided for in sections twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two and thirty-three of this act shall continue in force after the first day of July, nineteen hundred and thirty-six, upon the same terms and conditions except as to the termination thereof, unless and until said contracts are terminated by notice either from the city of Boston or from the Boston Elevated Railway Company, as hereinafter provided. The city of Boston may terminate all said contracts on the first day of July, nineteen hundred and thirty-six, or on the first day of July of any year thereafter by giving at least two years' prior notice in writing, which notice it shall be the duty of the mayor of the city to give if directed so to do by an act of the general court, or if directed so to do by a vote of the city council of the city, approved by the board of railroad

commissioners. The Boston Elevated Railway Company may likewise terminate all said contracts on the first day of July, nineteen hundred and thirty-six, or on the first day of July of any year thereafter by giving to the mayor of the city at least two years' prior notice in writing. No notice on the part of either the city or the company shall be given more than three years prior to the date therein fixed for termination.

Certain contracts may be terminated.

SECTION 35. The words "consolidated transit loan" as used in this act shall mean the bonds which have now been, or may hereafter be, issued by the city of Boston to pay for the construction of the Tremont street subway, the East Boston tunnel, the Washington street tunnel, the tunnel of the Cambridge connection, so-called, the proposed Dorchester tunnel, the proposed Boylston street subway, and the proposed East Boston tunnel extension, and also the bonds issued under authority of chapter five hundred and seventy-three of the acts of the year nineteen hundred and seven.

The phrase "consolidated transit loan" construed.

Subject to the requirements of existing acts, the rentals of all said subways and tunnels are hereby pledged to secure the payment of the principal and interest of the consolidated transit loan. All bonds hereafter issued by the city of Boston to provide for the construction of tunnels and subways shall be for such a term of years, not less than thirty years and not exceeding forty-five years, as the city treasurer of the city with the approval of the mayor may fix: *provided, however*, that before the term of any of such bonds shall be fixed at less than forty-five years, the city treasurer shall file with the city clerk a certificate that in his opinion the sinking funds provided for the retirement of the consolidated transit loan will be adequate to provide for the payment of such bonds at the maturity thereof.

Rentals pledged for payment of loan.

Proviso.

The treasurer of the city of Boston may at any time, with the written approval of the mayor, issue bonds payable in installments, as provided in section twenty-six of chapter four hundred and eighty-six of the acts of the year nineteen hundred and nine, instead of sinking fund bonds as above provided.

Bonds to be payable in installments.

SECTION 36. In order to provide for the abolition at the earliest possible date of the toll required of passengers using the East Boston tunnel, and in order to provide for the payment of the bonds issued for the Washington street tunnel, the rental received from the proposed Dorchester

Abolition of a certain toll.

tunnel, from the proposed Boylston street subway and from the proposed East Boston tunnel extension, if the same shall be constructed, over and above the amount required to pay the interest on the bonds issued therefor, and the rental received from the Tremont street subway, over and above the amount required to meet the interest and sinking fund requirements of the bonds issued therefor, shall, in addition to the rental payable by the Boston Elevated Railway Company under the lease of the East Boston tunnel, be applied to meet the interest and sinking fund requirements of the bonds issued for the construction of the East Boston tunnel; and in so far as such rentals may not be required for that purpose they shall be applied, in addition to the rental payable for the Washington street tunnel, to meet the interest and sinking fund requirements of the bonds issued for the construction of said Washington street tunnel.

Excess rentals,
how applied.

SECTION 37. The excess rentals of the East Boston tunnel, the Tremont street subway, the Washington street tunnel, the proposed Dorchester tunnel, the proposed Boylston street subway and the proposed East Boston tunnel extension, if the same shall be built, not needed to provide for the interest and sinking fund requirements specified in the preceding section, and any rental of the tunnel of the Cambridge connection, so-called, not needed to provide for the interest and sinking fund requirements of the bonds issued therefor, shall be applied, so far as may be necessary to meet the interest, sinking fund and installment requirements of the other bonds constituting the consolidated transit loan.

Execution of
certain
contracts, etc.

SECTION 38. Within ninety days after this act takes full effect the commission, acting on behalf of the city of Boston, and the Boston Elevated Railway Company shall execute a contract upon the terms and conditions hereinbefore prescribed for the use of the proposed Dorchester tunnel authorized by section one of this act; and shall likewise, within the same period, execute a contract upon the terms and conditions hereinbefore stated for the use of the proposed Boylston street subway authorized by section five of this act; and shall likewise, within the same period, execute a contract upon the terms and conditions hereinbefore prescribed for the use of the proposed East Boston tunnel extension authorized by section ten of this act; and shall likewise, within the same period,

execute a contract for the use of the tunnel of the Cambridge connection, so-called, upon the terms and upon the conditions hereinbefore prescribed, unless such contract has already been executed upon the terms and upon the conditions prescribed by law at the date of such execution, and, in case such contract has already so been executed, shall execute alterations of the same, readjusting the terms and conditions thereof so as to conform to the terms and conditions prescribed in this act; and shall likewise, within the same period, execute extensions of the existing contracts for the use of the Tremont street subway, of the East Boston tunnel, and of the Washington street tunnel, all upon the terms and upon the conditions hereinbefore prescribed.

SECTION 39. The contracts and extensions of contracts for the use of the several tunnels and subways executed in accordance with the authority conferred by this act shall not in any respect impair any right which the commonwealth or the city of Boston or any other licensee of the commonwealth may at any time have to take the railway properties of the Boston Elevated Railway Company. In the event of such taking the compensation to be paid to the company shall not be enhanced by reason of such contracts or extensions of contracts, nor shall it be diminished because of the fact that without such contracts or extensions of contracts the connection between different parts of said properties might be cut off.

Rights of the commonwealth or the city of Boston not impaired.

SECTION 40. The use and control of the tunnels and subways specified in this act shall be held by the Boston Elevated Railway Company subject to the rights, if any, which the West End Street Railway Company may have under the provisions of Article II of its lease to the Boston Elevated Railway Company dated December nine, eighteen hundred and ninety-seven, as modified in accordance with law.

Use and control of the tunnels, etc.

SECTION 41. Section fourteen of Part I of this act shall take effect upon its passage. The remaining provisions of this act shall not take effect until it shall have been accepted both by vote of the city council of the city of Boston, approved by the mayor, and by the Boston Elevated Railway Company by vote of its board of directors. Such acceptances shall be evidenced by certificates thereof filed with the secretary of the commonwealth. If the act is not so accepted by the Boston Elevated Railway Company and by the city of Boston within fifteen days after the West End

Time of taking effect.

Street Railway Company shall, at a meeting of stockholders specially called for the purpose, have voted upon the question whether or not it shall sell its property, privileges and franchises to the Boston Elevated Railway Company, as provided in chapter _____ of the acts of the year nineteen hundred and eleven, this act shall become void.

Approved July 20, 1911.

Chap.742

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE BOARD OF RAILROAD COMMISSIONERS.

Be it enacted, etc., as follows:

- Appropriations.
- Railroad commissioners.
- Clerk.
- Assistant clerk.
- Clerical assistance.
- Accountant.
- Railroad inspectors.
- Experts, etc.
- Rent, etc.
- Books, maps, etc.
- Stenographers, etc.
- Annual report.
- Inquests, etc.
- SECTION 1. The sums hereinafter mentioned are hereby appropriated, to be paid out of the Railroad Commissioners' Fund, for the salaries and expenses of the railroad commissioners, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit: —
- For the salaries of the commissioners, sixteen thousand dollars.
- For the salary of the clerk, three thousand dollars.
- For the salary of the assistant clerk, eighteen hundred dollars.
- For additional clerical assistance, a sum not exceeding twenty-two hundred dollars.
- For the salary of the accountant, twenty-five hundred dollars.
- For the salaries and expenses of the railroad inspectors, a sum not exceeding seventeen thousand dollars.
- For the compensation of experts or other agents, a sum not exceeding eight thousand dollars.
- For rent, care of office and salary of a messenger, a sum not exceeding six thousand dollars.
- For books, maps, statistics, stationery, incidentals and contingent expenses, a sum not exceeding fifty-five hundred dollars.
- For stenographers and stenographic reports, a sum not exceeding twenty-four hundred dollars.
- For printing and binding the annual report, a sum not exceeding seven thousand dollars.
- For taking evidence given at inquests in cases of death by accident occurring upon railroads and street railways, a sum not exceeding three thousand dollars.
- SECTION 2. This act shall take effect upon its passage.
- Approved July 20, 1911.*

AN ACT TO INCREASE THE SALARIES OF THE JUSTICES OF THE SUPREME JUDICIAL COURT AND OF THE SUPERIOR COURT. *Chap. 743*

Be it enacted, etc., as follows:

SECTION 1. Section twenty-six of chapter one hundred and fifty-six of the Revised Laws is hereby amended by striking out the word "eight", in the second and third lines, and inserting in place thereof, in each instance, the word: — ten, — so as to read as follows: — *Section 26.* The chief justice of the court shall receive an annual salary of ten thousand five hundred dollars, and each of the associate justices an annual salary of ten thousand dollars, and the chief justice and each of the associate justices shall annually receive five hundred dollars in full compensation for traveling expenses, to be paid by the commonwealth. R. L. 156, § 26, amended.
Salaries of justices.

SECTION 2. Section thirty-five of chapter one hundred and fifty-seven of the Revised Laws is hereby amended by striking out the words "seven thousand", in the second line, and inserting in place thereof the words: — eight thousand five hundred, — and by striking out the words "six thousand five hundred", in the third line, and inserting in place thereof the words: — eight thousand, — so as to read as follows: — *Section 35.* The chief justice of the court shall receive an annual salary of eight thousand five hundred dollars, and each associate justice an annual salary of eight thousand dollars, and the chief justice and each associate justice shall annually receive five hundred dollars in full compensation for travelling expenses, to be paid by the commonwealth. R. L. 157, § 35, amended.
Salaries of justices.

SECTION 3. This act shall take effect upon its passage.

Approved July 20, 1911.

AN ACT IN STILL FURTHER ADDITION TO THE ACTS MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR. *Chap. 744*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, except as hereinafter otherwise provided, for the purposes specified, to wit: — Appropriations.

Equipping
street railway
cars.

For expenses of an investigation in the matter of equipping street railway cars with fenders and wheel guards, as authorized by chapter seventy-four of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

Rifle ranges.

For an investigation of the rifle ranges used by the militia, as authorized by chapter seventy-six of the resolves of the present year, a sum not exceeding five hundred dollars.

Fortunat
Levesque.

For Fortunat Levesque, as authorized by chapter seventy-seven of the resolves of the present year, the sum of three hundred dollars.

Institute of
Technology.

For the Massachusetts Institute of Technology, as authorized by chapter seventy-eight of the resolves of the present year, the sum of one hundred thousand dollars.

Valentine
Reudgen.

To provide for the marking and perpetual care of the grave of the late Valentine Reudgen in the Pine Hill cemetery in the town of Chester, as authorized by chapter eighty-two of the resolves of the present year, the sum of one hundred and seventy-five dollars, the same to be paid out of the Escheated Estates Fund.

Metropolitan
plan
commission.

For the expenses of the commission on a metropolitan plan, as authorized by chapter eighty-four of the resolves of the present year, a sum not exceeding one thousand dollars.

Archway of the
state house.

To provide for repairing the pavement of the archway of the state house, as authorized by chapter eighty-six of the resolves of the present year, a sum not exceeding three thousand dollars.

Lake
Cochituate.

To provide for the expenses of an investigation and report as to Lake Cochituate, as authorized by chapter eighty-seven of the resolves of the present year, a sum not exceeding one thousand dollars.

Charles F.
Carr.

For Charles F. Carr, as authorized by chapter ninety-two of the resolves of the present year, a sum not exceeding two hundred and fifty dollars.

Employment
agencies, etc.

For expenses in connection with the report of the commission appointed to investigate the condition and management of employment agencies and intelligence offices, as authorized by chapter ninety-four of the resolves of the present year, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Patience
Fidelia
Clinton.

For paying the debts and funeral expenses of Patience Fidelia Clinton of the Hassanamisco tribe of Indians, as authorized by chapter ninety-five of the resolves of the present year, the sum of one hundred fifteen dollars and seventy-one cents.

For Harry J. Cosgrove, as authorized by chapter ninety-six of the resolves of the present year, the sum of five hundred dollars.

Harry J.
Cosgrove.

To provide for certain improvements at the Lakeville state sanatorium, as authorized by chapter ninety-eight of the resolves of the present year, a sum not exceeding thirty-three hundred dollars.

Lakeville
sanatorium.

To provide for improvements at the North Reading state sanatorium, as authorized by chapter ninety-nine of the resolves of the present year, a sum not exceeding thirty-five hundred dollars.

North
Reading
sanatorium.

To provide for laundry machinery at the prison camp and hospital, as authorized by chapter one hundred and two of the resolves of the present year, a sum not exceeding twelve hundred and fifty dollars, the same to be paid out of the State Prison Industries Fund.

Prison camp
and hospital.

For expenses relative to the importation of nursery stock, and to the authority of the state nursery inspector, as authorized by chapter one hundred and three of the resolves of the present year, a sum not exceeding ten thousand dollars.

Nursery stock,
etc.

To provide for certain improvements at the Lyman and industrial schools, as authorized by chapter one hundred and four of the resolves of the present year, a sum not exceeding ninety-five hundred dollars.

Lyman and
industrial
schools.

To provide for certain improvements at the Rutland state sanatorium, as authorized by chapter one hundred and five of the resolves of the present year, a sum not exceeding seventy-nine hundred and forty-five dollars.

Rutland
sanatorium.

For the executors of the will of Eleazer R. Burbank, as authorized by chapter one hundred and seven of the resolves of the present year, the sum of sixteen dollars and ninety-six cents.

Eleazer R.
Burbank.

To provide for an investigation as to certain improvements of the subway and transportation system in the city of Boston, as authorized by chapter one hundred and eight of the resolves of the present year, a sum not exceeding one thousand dollars.

Subway
system in
Boston.

For the expenses of the commission appointed to consider the liability of employers for injuries received by employees in the course of their employment, as authorized by chapter one hundred and ten of the resolves of the present year, a sum not exceeding thirteen thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Liability of
employers.

Massachusetts
Agricultural
College.

To provide for certain improvements at the Massachusetts Agricultural College, as authorized by chapter one hundred and eleven of the resolves of the present year, a sum not exceeding one hundred and twenty-two thousand five hundred dollars.

Cornelius J.
Donovan.

For the settlement of the claim of Cornelius J. Donovan for injuries received at the state farm, as authorized by chapter one hundred and twelve of the resolves of the present year, a sum not exceeding five hundred dollars, to be paid out of the State Farm Industries Fund.

Lighting,
heating, etc.,
of the
state house.

To provide for an investigation as to the present method of lighting, heating and ventilating the state house by the state house commission, as authorized by chapter one hundred and thirteen of the resolves of the present year, a sum not exceeding five hundred dollars.

Mount
Everett
reservation.

For the purchase of additional land at the Mount Everett state reservation, as authorized by chapter one hundred and fourteen of the resolves of the present year, a sum not exceeding two thousand dollars.

Mount Sugar
Loaf
reservation.

For the purchase of additional land at the Mount Sugar Loaf state reservation, as authorized by chapter one hundred and fifteen of the resolves of the present year, a sum not exceeding five thousand dollars.

Town of Truro.

For the repair of a certain highway in the town of Truro by the Massachusetts highway commission, as authorized by chapter four hundred and sixteen of the acts of the present year, a sum not exceeding five hundred dollars.

Assistant
registers of
probate, etc.,
county of
Suffolk.

For the salaries of the assistant registers of probate and insolvency for the county of Suffolk, as authorized by chapter four hundred and forty-five of the acts of the present year, the sum of one hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Clerical
assistance.

For additional clerical assistance for the register of probate and insolvency for the county of Bristol, as authorized by chapter four hundred and fifty-two of the acts of the present year, a sum not exceeding five hundred and sixty-five dollars.

District
attorney,
eastern
district.

For the salary of the district attorney for the eastern district, as authorized by chapter four hundred and eighty-five of the acts of the present year, a sum not exceeding five hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

For the expenses of the board of appeal for fire insurance rates, as authorized by chapter four hundred and ninety-three of the acts of the present year, a sum not exceeding five thousand dollars.

Board of
appeal, fire
insurance
rates.

To provide for the establishment of a retirement system for employees of the commonwealth, as authorized by chapter five hundred and thirty-two of the acts of the present year, a sum not exceeding one thousand dollars.

Retirement
system, etc.

For expenditures by the commissioner appointed in regard to the Panama exposition at San Francisco, as authorized by chapter five hundred and thirty-six of the acts of the present year, a sum not exceeding one thousand dollars.

Panama
exposition.

For the compensation of members of the inspection department of the district police, as authorized by chapter five hundred and forty-nine of the acts of the present year, a sum not exceeding two hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Inspection
department,
district
police.

For quartermasters' supplies made necessary by chapter five hundred and fifty-four of the acts of the present year, a sum not exceeding six thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Quarter-
masters'
supplies.

For increased salaries in the department of the district police, as authorized by chapter five hundred and sixty-one of the acts of the present year, the following amounts: for a stenographer, three hundred and seventy-five dollars; for two stenographers in the detective department, one hundred forty-one dollars and sixty-seven cents; for clerks in the inspection department, six hundred and twenty-five dollars, all to be in addition to any amounts heretofore appropriated for the same purposes.

District police.

To carry out the provisions of chapter five hundred and sixty-six of the acts of the present year establishing a board to be known as the Trustees of the Massachusetts Training Schools, the appropriations authorized by chapter five hundred and twenty of the acts of the present year are hereby made available, and in addition thereto a sum not exceeding one thousand dollars for the salary of the secretary of said board.

Trustees of
the Massachu-
setts Training
Schools.

For the salaries of three additional associate justices of the superior court, as authorized by chapter five hundred and sixty-seven of the acts of the present year, a sum not exceeding ten thousand five hundred dollars.

Associate
justices,
superior court.

Officers and
men of the
militia.

For the compensation of officers and men of the volunteer militia, as made necessary by chapter five hundred and ninety-four of the acts of the present year, a sum not exceeding eighty thousand dollars.

Civil war
veterans.

For the compensation of certain veterans of the civil war formerly in the service of the commonwealth and now retired from that service, and also to include any expenses authorized by chapter six hundred and twenty-seven of the acts of the present year, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Expenses of
committees.

For expenses of committees of the present general court, including clerical assistance to committees authorized to employ the same, the sum of five thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Printing and
binding,
senate and
house.

For printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, a sum not exceeding seventy-five hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Bulletin of
committee
hearings.

For expenses in connection with the publication of a bulletin of committee hearings, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Contingent
expenses,
senate and
house.

For contingent expenses of the senate and house of representatives and necessary expenses in and about the state house, a sum not exceeding five hundred dollars.

Blank forms,
etc.

For blank forms for town officers, for election laws and blanks and instructions on all matters relating to elections, made necessary by the provisions of chapter five hundred and fifty of the acts of the present year, the sum of four thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Secretary of
the com-
monwealth.

For incidental and contingent expenses in the office of the secretary of the commonwealth, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Engineer's
department,
state house.

For the salaries of the chief engineer and other employees in the engineer's department at the state house, a sum not exceeding two hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Telephones,
etc.

For renting telephones and expenses in connection therewith, a sum not exceeding three hundred and seventy-five

dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

For incidental and contingent expenses of the sergeant-at-arms, and for the expense of mailing legislative bulletins, a sum not exceeding seventy-five dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Sergeant-at-arms, expenses.

For new furniture and fixtures in the state house, a sum not exceeding seventy-five hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Furniture and fixtures.

For special services and expenses of persons employed under the direction of the deputy chief of the detective department of the district police in the investigation of fires, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Investigation of fires.

For the compensation of the commission on the examination of the assets and liabilities of the New York, New Haven and Hartford Railroad Company, the sum of ten thousand five hundred dollars is hereby reappropriated from the appropriation made by chapter six hundred and fifty-nine of the acts of the year nineteen hundred and ten.

Commission on assets and liabilities, etc.

The appropriation for the salary of the third clerk in the office of the insurance commissioner made by chapter four hundred and nineteen of the acts of the present year is hereby transferred and added to the appropriation made for additional clerks in said department.

Insurance commissioner, third clerk.

For the purpose of increasing the wages paid to engineers employed in connection with the Worcester state asylum, a sum not exceeding nineteen hundred thirty-four dollars and forty cents, the same to be in addition to any amount heretofore appropriated for the maintenance of said institution.

Worcester state asylum.

SECTION 2. This act shall take effect upon its passage.

Approved July 21, 1911.

AN ACT RELATIVE TO THE MEETINGS OF REGISTRARS OF VOTERS FOR THE PURPOSE OF CERTIFYING TO NAMES ON NOMINATION PAPERS. *Chap. 745*

Be it enacted, etc., as follows:

SECTION 1. It shall be the duty of the board of registrars to hold meetings at least once each week during the month of August of each year for the purpose of certifying

Meetings of registrars of voters, etc.

to the names on nomination papers nominating candidates to be voted for at the primaries.

SECTION 2. This act shall take effect upon its passage.

Approved July 21, 1911.

Chap. 746 AN ACT TO AUTHORIZE THE MASSACHUSETTS HIGHWAY COMMISSION TO CONSTRUCT A HIGHWAY IN THE TOWN OF SALISBURY.

Be it enacted, etc., as follows:

Construction of a highway in the town of Salisbury.

SECTION 1. The Massachusetts highway commission is hereby authorized and directed to lay out and construct, within one year after the passage of this act, a highway sixty feet wide between the marshes and the beach at Salisbury beach from the New Hampshire line to Broadway, the main road leading from Salisbury centre to the ocean: *provided*, that the owners of the land included within the limits of said highway and the abutters thereon shall release, without payment therefor, all claims for damages which may arise from the taking of land required for said highway, and all damages arising from the construction of said highway, the change of grade, and any sloping of the land abutting thereon; and *provided, also*, that said release is duly executed before said highway is constructed and before the land is taken therefor.

Provisos.

Payment of expense.

SECTION 2. The cost and expense incurred under authority of this act shall, in the first instance, be paid by the commonwealth, provided that the same does not exceed the sum of fifteen thousand dollars, and the treasurer and receiver general is hereby authorized and directed to borrow upon the credit of the commonwealth such sums of money as may be required for said cost and expense. All moneys so borrowed shall be deposited in the state treasury and the treasurer and receiver general shall pay out the same as ordered by said commission and shall keep a separate and accurate account of all sums borrowed and expended, including interest.

Apportionment of cost.

SECTION 3. Upon the completion of said highway, the commission shall file in the office of the auditor of the commonwealth a detailed statement, certified by it, of the actual cost of said highway, and such cost shall be apportioned as follows: — sixty-five per cent to the commonwealth, twenty-five per cent to the county of Essex and ten per cent to the town of Salisbury; and the county of Essex and the

town of Salisbury shall, within such time as the commission may direct, pay into the treasury of the commonwealth the proportionate amounts to be paid by them respectively.

SECTION 4. The county commissioners of the county of Essex are hereby authorized to borrow upon the credit of the county, for a period not exceeding five years, such sums as may be necessary to provide for the payment which may be required of the county under the provisions of this act, and may issue the notes or bonds of the county therefor.

The county of Essex may issue notes, etc.

SECTION 5. This act shall take effect upon its passage.

Approved July 22, 1911.

AN ACT TO AUTHORIZE THE EMPLOYMENT OF A WATCHMAN
AT THE STATE ARSENAL.

Chap. 747

Be it enacted, etc., as follows:

SECTION 1. Section thirty-nine of chapter six hundred and four of the acts of the year nineteen hundred and eight, as amended by section two of chapter three hundred and forty-eight of the acts of the year nineteen hundred and ten, is hereby further amended by inserting after the word "annum", in the fifty-eighth line, the words: — one watchman, with a salary of eight hundred dollars per annum, — so as to read as follows: — *Section 39.* The quartermaster general shall receive a compensation not exceeding twelve hundred dollars a year. The deputy quartermaster general shall receive compensation not exceeding eight hundred dollars a year, to be paid out of the appropriation for maintenance of armories of the first class. The quartermaster general shall give bond to the commonwealth in the penal sum of twenty thousand dollars, with two sureties at least, to be approved by the governor and council, conditioned faithfully to perform the duties of his office, to use all necessary diligence and care in the safe keeping of military stores and property of the commonwealth committed to his custody, and to account for and deliver over to his successor or to any other person authorized to receive the same, such stores and property. The commander-in-chief may require the duties imposed upon the quartermaster general to be performed by any member of that department, who shall in that case give bond to the commonwealth in like manner as is required of the quartermaster general. The quartermaster general, under the orders of the commander-in-chief, shall have the

1908, 604, § 39, etc., amended.

Quartermaster general, compensation, bond, etc.

To have care and control of the state camp ground, etc.

care and control of the state camp ground and all other land held for military purposes, of all state arsenals and magazines, of the soldiers' burial lot and monument at Dedham, and of all military property of the commonwealth except such as is by law expressly intrusted to the keeping of other officers. He shall purchase or draw by requisition from the United States and shall issue all arms, ammunition, clothing, camp equipage and military supplies and stores of every description, except surgical instruments and medical supplies. He shall procure and provide means of transport for the militia and for all its implements, munitions of war and military supplies; such transportation to be in kind whenever practicable. He may receive in the storehouse at the state camp ground, from the several militia organizations, such articles of personal property used for military camping purposes as can be kept therein, which articles shall be received and delivered at the expense of the owners and held at their risk. He shall, at the public expense, provide suitable places for the safe keeping of all munitions of war, intrenching tools and all other implements of war. Such tools and implements shall be designated as the property of the commonwealth by suitable permanent brands or marks on each of them. He may allow annually proper accounts for the repairs of uniforms and equipments. He shall adjust all accounts relating to loans of state military property to cities and towns, institutions and schools, and shall require annual returns of such property and of its condition, at such times and in such manner as he may direct, and may at any time, under the direction of the commander-in-chief, recover the whole or any part of such property as he may deem best for the commonwealth. He may employ the following clerical assistants: one superintendent of armories, with a salary of eighteen hundred dollars per annum; two clerks, with salaries of eighteen hundred dollars and twelve hundred dollars per annum, respectively; one stenographer, with a salary of nine hundred dollars per annum; one watchman, with a salary of eight hundred dollars per annum. The actual transportation expenses of the superintendent of armories, in visiting the various armories of the state, under the direction of the quartermaster general, shall be paid from the appropriation for maintenance of armories of the first class. The superintendent of the arsenal shall receive fifteen hundred dollars a year, and shall be in the quartermaster general's department, as a clerk in addition to the clerks above named.

Duties concerning loans of military property, etc.

Clerical assistance, etc.

The quartermaster general may employ such additional clerks and other assistants as may be necessary in his department, at an expense not exceeding twenty-four hundred dollars a year.

SECTION 2. This act shall take effect upon its passage.

Approved July 22, 1911.

AN ACT RELATIVE TO THE DEVELOPMENT OF THE PORT OF BOSTON. *Chap. 748*

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall appoint three persons, and the mayor of the city of Boston shall appoint one person, and the four persons so appointed, with the chairman of the harbor and land commissioners, ex-officio, shall constitute a board to be known as the Directors of the Port of Boston, hereinafter called the directors. The terms of office of the persons first appointed by the governor shall be so arranged and designated at the time of their appointment that the term of one member shall expire in three years, one in two years and one in one year from the first day of July, nineteen hundred and eleven, and the term of office of the member appointed by the mayor shall expire in three years from the first day of July, nineteen hundred and eleven. Annually thereafter the governor shall appoint one member to serve for three years, as the term of any member appointed by him shall expire; and at the expiration of the term of the member appointed by the mayor, the mayor shall appoint a member to serve for three years. Any vacancy occurring among the directors shall be filled for the unexpired term by the governor or by the mayor, accordingly as the vacancy occurs among the members originally appointed by the governor or by the mayor, respectively. In all cases a member shall continue to serve until his successor is appointed and qualified. The governor shall designate the chairman, who shall receive an annual salary of fifteen thousand dollars, and shall devote his whole time to the work of the directors. The other directors, including the chairman of the harbor and land commissioners, shall each receive an annual salary of one thousand dollars. Said sum of one thousand dollars shall be in addition to the annual salary of the chairman of the board of harbor and land commissioners as chairman of said last named board.

Directors of
the Port of
Boston,
appointment,
terms, etc.

Vacancy.

Chairman,
compensation,
etc.

To be administrative officers of the port, etc.

SECTION 2. The Directors of the Port of Boston shall be the administrative officers of the port, shall cause to be made all necessary plans for the comprehensive development of the harbor, shall have immediate charge of the lands now or hereafter owned by the commonwealth upon or adjacent to the harbor front, except lands under the control of the metropolitan park commission or of the metropolitan water and sewerage board, and of the construction of piers and other public works therein, shall administer all terminal facilities which are under their control, shall keep themselves thoroughly informed as to the present and probable future requirements of steamships and shipping, and as to the best means which can be provided at the port of Boston for the accommodation of steamships, railroads, warehouses and industrial establishments. The directors shall appoint such engineers, clerks, agents, assistants and other employees as they may deem necessary to carry out the purposes of this act, and shall determine the duties and compensation of such employees. The appointment of employees shall be subject to the laws relating to civil service in the commonwealth, so far as they are applicable.

Place of office, etc.

SECTION 3. The directors shall have an office in the city of Boston in which they shall keep maps, charts, plans and documents relating to the lands and waters in their charge. The board of harbor and land commissioners shall deliver to the directors such maps, charts, plans and documents now in the custody of said board relating to the waters and lands in charge of the directors as may be practicable; and the directors shall at all times have access to any other maps, charts, plans and documents relating to said waters and lands, in the office of said board or in the office or custody of any other public board, commission or official.

Powers, etc., of the harbor and land commissioners to be vested in the directors, etc.

SECTION 4. All the rights, powers and duties now pertaining to the board of harbor and land commissioners in respect to such lands, rights in lands, flats, shores, waters and rights belonging to the commonwealth in tidewaters and land under water as constitute that part of Boston harbor lying westerly and inside of a line drawn between Point Allerton on the south and the southerly end of Point Shirley on the north, or as adjoin the same or are connected therewith, and any other rights and powers heretofore vested by the laws of the commonwealth in the board of harbor and land commissioners in respect to any part of said area, are hereby transferred to and hereafter shall be vested in

and exercised by said directors. There shall also be transferred to and vested in the directors the right to expend any unexpended funds heretofore appropriated to be expended by the board of harbor and land commissioners in the area above designated, and the right which the board of harbor and land commissioners has heretofore exercised in regard to moneys paid to the commonwealth in accordance with the provisions of section twenty-three of chapter ninety-six of the Revised Laws. Said directors shall also assume and take over, on behalf of the commonwealth, any rights, powers and duties of the board of harbor and land commissioners under any contracts heretofore made for the improvement, filling, sale, use or other disposition of the lands, flats or waters of the commonwealth within said area, including any structures now existing or being built therein or thereon.

SECTION 5. With the consent of the governor and council, the directors may take or acquire by purchase or otherwise, and hold, such real property and such rights and easements therein as the directors may from time to time consider necessary for the purpose of constructing, or securing the constructing or utilizing of, piers and, in connection therewith, highways, waterways, railroad connections, storage yards and sites for warehouses and industrial establishments, and may lay out and build thereon and upon such other lands as under section four of this act are under its jurisdiction such piers, with buildings and appurtenances, docks, highways, waterways, railroad connections, storage yards and public warehouses as, in the opinion of the directors, may be desirable: *provided, however*, that if general plans bearing the signed approval of the directors or of a majority of them, or, until the appointment and organization of the directors bearing the signed approval of the board of harbor and land commissioners, given after due notice and a hearing, describing the property and showing the location and character of any proposed docks, piers, wharves, warehouses, factories, power plants, and industrial terminals, of adequate and proper design and general suitability for the purposes for which they are to be used, shall be filed with the directors, together with a written notice signed by the owners or lessees or by others having legal rights in the premises, stating that they propose to construct upon the property described the improvements shown by said plans and claiming exemption from the taking by eminent

May take
and hold
property, etc.

Proviso.

Provisos.

domain as authorized by this act of any of such property, including the lands upon which said improvements are to be constructed, then said land and said improvements shall not be taken by the directors by the right of eminent domain without the authorization of the general court granted within forty years after the date of the filing of said plans, if substantial construction in general accordance with such plans is actually begun in good faith within one year after the date of the approval by the directors of the plans, and if said improvements are finished substantially in accordance with said plans within five years after the beginning of the construction of said improvements unless the directors shall extend the time within which said improvements shall be completed; and *provided, further*, that after completion, said improvements during said period of forty years are kept in suitable repair and are used for the purposes to which said approval applied, and *provided, further*, that if general plans bearing the signed approval of the directors or of a majority of them, given after due notice and a hearing, and describing the property, and location and character of any existing docks, piers, wharves, warehouses, factories, power plants, and industrial terminals, and certifying that they are of proper design and adequate and suitable for the purposes for which they are to be used, and that they are in proper condition and in thorough repair, shall be filed with the directors, together with a written notice signed by the owners or lessees, or by others having legal rights in the premises and claiming exemption from the taking by eminent domain as authorized by this act of any such property, including the lands upon which said improvements have been constructed, then said land and said improvements shall not be taken by the directors by the right of eminent domain without the authorization of the general court granted within forty years after the date of the approval by the directors, if during that time such property is kept in suitable repair and is used for the purposes to which said approval applied, and *provided, further*, that none of the exemptions from the right of eminent domain provided for in this act shall apply to the taking by the directors of any property necessary for providing suitable and convenient track connections between the rails serving any pier or piers that may be built, or acquired or improved under the terms of this act and the rails of any existing or proposed railroad that now reaches or hereafter may reach Boston.

SECTION 6. In order to take any property by right of eminent domain, the directors shall within ninety days after voting to take any lands or easements therein file and cause to be recorded in the registry of deeds for the county in which the property to be taken is situated, a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same was taken, signed by a majority of the directors. The recording shall operate as a taking of the real estate and of the rights and easements therein described. No taking shall be valid unless it is recorded in accordance with the provisions of this section.

Taking to be recorded in the registry of deeds, etc.

SECTION 7. The commonwealth, through its treasurer and receiver general, shall pay all damages to property sustained by any person, firm or corporation by the taking of any land or any right or easement therein. Any person, firm or corporation sustaining damage as aforesaid, and failing to agree with the directors as to the amount thereof, may have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within three years after the taking of such land or right or easement therein; but no such application shall be made after the expiration of the said three years.

Payment of damages.

SECTION 8. All piers and other similar structures built by the directors shall be equipped, either by the directors or by the lessees thereof, with fireproof sheds, railway tracks, cranes and other machinery and accommodations for the convenient, economical and speedy loading and discharge of freight; and the directors may acquire, hold and operate such lighters and other vessels as may be convenient and, in the opinion of the directors, needed for that purpose. The directors shall make such reasonable rules and regulations and shall charge such reasonable rates for the use of such structures and equipment as they may from time to time deem wise.

Equipment of piers, etc.

SECTION 9. The directors shall have power to lease for a period not exceeding twenty years, under such covenants and conditions as they may prescribe, storage facilities, wharves, piers, bulkheads, docks, sheds, warehouses and industrial locations within their charge; but no lease for a term exceeding five years shall be valid until approved by the governor and council. The income from all wharfage and storage rates, use of cranes, lighterage, dockage and

May lease storage facilities, wharves, etc.

other charges, and from the leases of lands, storage structures, wharves, piers, docks, sheds, warehouses and industrial sites shall be collected by the directors and paid into the treasury of the commonwealth.

May grade
and surface
railroad
locations, etc.

SECTION 10. The directors, with the approval of the governor and council, are authorized to grade and surface suitably any railroad locations or traffic ways which are or may be located on lands, flats or rights therein, now owned or hereafter acquired by the commonwealth under the provisions of this act, and to carry said ways or railroads over or under any railroad or railway location or public way in order to eliminate crossings at grade, and to provide suitable and convenient track connections between the rails serving any pier or piers and those of any existing or proposed railroad that now reaches or hereafter may reach Boston. All piers held or controlled by the directors shall also be accessible and open to all teaming and lighterage traffic, subject to such regulations as the directors may from time to time make.

Teaming and
lighterage
traffic.

Railroads to
be provided
with track
connections.

Upon application to the directors, any railroad company that now reaches or hereafter may reach Boston, either by its own rails or under trackage or traffic contract or agreement with any other railroad company, shall be provided by the directors with a track connection with the tracks serving such pier or piers.

To acquire
title, etc.,
to Apple
Island, etc.

SECTION 11. The directors shall take all proper measures to obtain from the city of Boston, without expense to the commonwealth therefor, a conveyance of all the present right, title and interest of the city in and to Apple Island, and the flats appurtenant thereto, and in and to any other flats and rights of the city on the easterly side of East Boston, which, in the opinion of the directors, are required for the development contemplated by this act, and the city of Boston is hereby authorized to make such conveyance, and also in furtherance of the development of the port to make conveyance to the directors or others, but only for maritime or commercial improvement, of any shore lands owned by it elsewhere, acquired either by purchase or taking.

To make
plans, etc.,
for the
utilization
of the
property
acquired, etc.

SECTION 12. It shall be the duty of the directors forthwith to make, and, so far as may be practicable, to put into execution, comprehensive plans providing on the lands now owned or hereafter acquired by the commonwealth in the area described in section four of this act, adequate piers, capable of accommodating the largest vessels, and in con-

nection with such piers suitable highways, waterways, railroad connections and storage yards, and sites for warehouses and industrial establishments. The directors shall report to the next general court, on or before the fifteenth day of January, nineteen hundred and twelve, all necessary plans and estimates of cost for the construction of a dry dock equipped with modern facilities and appliances, sufficient in size for the accommodation of any modern ocean steamship.

SECTION 13. The directors shall, on the first day of January of each year, submit a report to the general court, which report shall contain a statement of the doings of the directors during the preceding year and such recommendations as to legislation as, in the opinion of the directors, may be necessary or expedient to enable them better to administer the affairs of the port of Boston and to regulate the shipping therein and the use of the piers, docks and terminal facilities under the charge of the directors. Report.

SECTION 14. There shall be paid out of the treasury of the commonwealth, to be expended by the directors during the year ending on the thirty-first day of December, nineteen hundred and eleven, the sum of fifty thousand dollars for the salaries and expenses of the directors and for defraying the cost of the studies and plans described in section twelve of this act. Expenditures.

SECTION 15. Every authority or license granted since the year eighteen hundred and sixty-eight by the general court, or by the board of harbor and land commissioners, to any person, firm or corporation to build or extend a wharf or other structure upon, or to drive piles in, or to fill or otherwise to occupy, land in tide or navigable water, within the area described in section four and under the control of said directors, revocable at the discretion of the general court, and every other similar right or privilege within said area, subject to the control of said directors, revocable at the discretion of the general court in the manner provided by law, whether or not compensation has been paid under any provision of law or otherwise, shall hereafter cease and determine, or be subject to forfeiture, in case of the non-use of the same for an unreasonable time without reasonable cause, and it shall be *prima facie* evidence that the same is held unused in restraint of trade when the tendency of such non-use is to prevent competition in its broad and general sense, unless such person, firm or corporation shall within one year after the passage of this act make reasonable and substantial use of Certain authority heretofore granted to cease, etc.

structures, or shall reasonably and substantially occupy land in tide or navigable waters, for the purposes for which the authority or license was granted; and thereupon, every such authority or license and every similar right and privilege shall cease and determine on re-payment, or tender of re-payment, by the commonwealth of compensation therefor to the amount which shall have been paid into the treasury of the commonwealth in accordance with the terms of such authority or license; and it shall be the duty of the harbor and land commissioners and of the attorney-general, or of their successors in office, to cause a proper certificate of the revocation of such authority or license to be recorded forthwith in the registry of deeds for the county within which such structure was built or work done.

SECTION 16. The supreme judicial court shall have jurisdiction in equity, upon information filed by the attorney-general, of violations of the provisions of this act.

SECTION 17. To meet expenses that may be incurred under the provisions of this act the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue bonds, scrip, or certificates of indebtedness to an amount not exceeding nine million dollars, for a term not exceeding forty years, to be in such form, to bear such rate of interest, and to be issued in such amounts, from time to time, as the treasurer and receiver general, with the approval of the governor and council, shall determine.

SECTION 18. Chapter six hundred and forty-eight of the acts of the year nineteen hundred and ten, and all acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 19. The provisions of section one relative to the appointment of directors of the port of Boston, and the provisions of section five relative to the approval of certain plans by the board of harbor and land commissioners until the appointment and organization of said directors, shall take effect upon the passage of this act. The remaining provisions of this act shall take effect thirty days after its passage: *provided, however*, that the board of harbor and land commissioners shall continue to exercise all powers now vested by law in said board to the extent of taking action at any time within three months after the passage of this act upon any petition now pending before said board upon which a public hearing was held, or an order of notice of a public hearing was issued, prior to the passage of this act.

Approved July 28, 1911.

Jurisdiction
of violations
of act.

The treasurer
and receiver
general to
issue bonds, etc.

Repeal.

Time of
taking effect.

Proviso.

AN ACT IN ADDITION TO THE SEVERAL ACTS MAKING SUNDRY MISCELLANEOUS APPROPRIATIONS AUTHORIZED DURING THE PRESENT YEAR AND SUNDRY OTHER EXPENSES AUTHORIZED BY LAW. Chap. 749

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, unless hereinafter otherwise provided, for the purposes specified, to wit: —

For expenses incurred by the commission appointed to investigate the matter of office accommodations in the state house, as authorized by chapter forty-five of the resolves of the present year, a sum not exceeding five hundred dollars.

Appropriations.

Office accommodations in the state house.

For the Lowell textile school, as authorized by chapter one hundred and sixteen of the resolves of the present year, the sum of forty thousand dollars.

Lowell Textile school.

To provide for certain improvements at the Lowell textile school, as authorized by chapter one hundred and seventeen of the resolves of the present year, the sum of twenty-nine thousand six hundred and fifty-five dollars.

Same.

For the New Bedford textile school, as authorized by chapter one hundred and nineteen of the resolves of the present year, the sum of twenty thousand dollars.

New Bedford textile school.

For the expenses of the commission appointed to investigate the subject of the cold storage of food, as authorized by chapter one hundred and twenty-one of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Cold storage of food.

For the inspection of stables where neat cattle and swine are kept, as authorized by chapter three hundred and eighty-one of the acts of the present year, a sum not exceeding five thousand dollars.

Inspection of stables.

For expenses in connection with the establishment of tuberculosis hospitals in cities and towns, as authorized by chapter five hundred and ninety-seven of the acts of the present year, a sum not exceeding five thousand dollars.

Tuberculosis hospitals.

For the expenses of the commission appointed to provide for establishing homesteads for workmen, as authorized by chapter six hundred and seven of the acts of the present year, a sum not exceeding five hundred dollars.

Homesteads.

To provide for salaries in the inspection department of the district police, as authorized by chapters six hundred

Inspection department of the district police.

and sixteen and six hundred and twenty of the acts of the present year, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Chief
inspector
of boilers.

For the salary of the chief inspector of boilers in the inspection department of the district police, as authorized by chapter six hundred and nineteen of the acts of the present year, a sum not exceeding one hundred and sixty-seven dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Water power.

For continuing the work of investigation of the water power of the commonwealth, as authorized by chapter six hundred and twenty-two of the acts of the present year, the unexpended balance of thirty-two hundred two dollars and twenty-seven cents of the appropriation made in the year nineteen hundred and nine is hereby reappropriated.

Inspector of
weights and
measures.

To provide for an additional inspector in the department of the commissioner of weights and measures, as authorized by chapter six hundred and thirty-two of the acts of the present year, a sum not exceeding five hundred dollars.

Instruction of
nurses, etc.

To provide for the instruction of nurses, attendants and patients in certain state institutions by the state board of insanity, as authorized by chapter six hundred and forty-nine of the acts of the present year, a sum not exceeding seven hundred dollars.

Taking of
land in the
valley of the
Neponset
river, damages.

For the payment of damages caused by the taking of land in connection with the public health in the valley of the Neponset river, as authorized by chapter six hundred and fifty-five of the acts of the present year, a sum not exceeding five thousand dollars.

Judges and
registers
of courts of
probate, etc.

For the salaries of certain judges and registers of the courts of probate and insolvency, as authorized by chapter six hundred and sixty-eight of the acts of the present year, the following sums: — For the judge of probate and insolvency for the county of Barnstable, a sum not exceeding three hundred sixty-six dollars and sixty-seven cents; for the judge of probate and insolvency for the county of Franklin, a sum not exceeding two hundred and seventy-five dollars; for the judge of probate and insolvency for the county of Hampshire, a sum not exceeding ninety-one dollars and sixty-seven cents; for the register of probate and insolvency for the county of Barnstable, a sum not exceeding two hundred and seventy-five dollars; for the register

of probate and insolvency for the county of Franklin, a sum not exceeding ninety-one dollars and sixty-seven cents; the same to be in addition to any amounts heretofore appropriated for these purposes.

For the salaries of the assistant clerks of the senate and house of representatives, as authorized by chapter six hundred and seventy-four of the acts of the present year, as follows: — For William H. Sanger, assistant clerk of the senate, a sum not exceeding four hundred fifty-eight dollars and thirty-three cents, and for Frank E. Bridgman, assistant clerk of the house of representatives, a sum not exceeding four hundred fifty-eight dollars and thirty-three cents, the same to be in addition to any amounts heretofore appropriated for these purposes.

Assistant clerks, senate and house.

For the expense of constructing a state highway in the towns of Shelburne and Greenfield, as authorized by chapter six hundred and seventy-eight of the acts of the present year, a sum not exceeding ten thousand dollars.

State highway in Shelburne and Greenfield.

For the general work of the state board of health on account of duties imposed by chapter two hundred and ninety-seven of the acts of the present year, a sum not exceeding six hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

State board of health.

For obtaining information concerning the proper lighting of factories and workshops, as authorized by chapter six hundred and three of the acts of the present year, a sum not exceeding four hundred dollars, the same to be in addition to any amount heretofore appropriated for expenses of inspectors of health employed by the state board of health.

Lighting of factories, etc.

For the salaries and expenses of the inspectors of health employed by the state board of health, as authorized by chapter seven hundred and nine of the acts of the present year, a sum not exceeding twenty-two hundred and fifty dollars, the same to be in addition to any amounts heretofore appropriated for this purpose.

Inspectors of health.

For the salary of Joseph R. McCoole, assistant register of probate and insolvency for the county of Norfolk, as authorized by chapter seven hundred and ten of the acts of the present year, a sum not exceeding four hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Joseph R. McCoole.

For expenses of the metropolitan park apportionment commission, as authorized by chapter one hundred and

Metropolitan park apportionment commission.

twenty-two of the resolves of the present year, a sum not exceeding ten thousand six hundred eighty-three dollars and twenty-eight cents, the same to be paid from the Metropolitan Parks Maintenance Fund.

Bradford
Durfee
Textile School
of Fall River.

For The Bradford Durfee Textile School of Fall River, as authorized by chapter one hundred and twenty-three of the resolves of the present year, the sum of five thousand dollars for land and the sum of ten thousand dollars for new buildings.

Same.

For The Bradford Durfee Textile School of Fall River, as authorized by chapter one hundred and twenty-four of the resolves of the present year, for the general purposes of the school, the sum of twenty-seven thousand dollars, and for new machinery, the sum of eleven thousand dollars.

Fitchburg
normal school.

For the purchase of land at the state normal school at Fitchburg, as authorized by chapter one hundred and twenty-five of the resolves of the present year, a sum not exceeding twenty-five thousand dollars.

Pages of the
general court.

For the compensation of the pages of the general court, as authorized by chapter one hundred and twenty-seven of the resolves of the present year, a sum not exceeding eleven hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Westborough
state hospital.

For certain improvements at the Westborough state hospital, as authorized by chapter one hundred and twenty-eight of the resolves of the present year, a sum not exceeding eighteen thousand nine hundred dollars.

Gardner state
colony.

For certain improvements at the Gardner state colony, as authorized by chapter one hundred and twenty-nine of the resolves of the present year, a sum not exceeding twenty-one thousand four hundred dollars.

Clerk of the
house of
representa-
tives.

For clerical assistance in the office of the clerk of the house of representatives, as authorized by chapter one hundred and thirty of the resolves of the present year, a sum not exceeding three hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Massachusetts
School for
the Feeble-
Minded.

For certain improvements at the Massachusetts School for the Feeble-Minded, as authorized by chapter one hundred and thirty-one of the resolves of the present year, a sum not exceeding fifteen thousand dollars.

Furniture and
fixtures.

For new furniture and fixtures in the state house, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

For printing the blue book, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Blue book.

For the salaries and expenses of the trustees of the Massachusetts training schools, as authorized by chapter five hundred and sixty-six of the acts of the present year, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose.

Massachusetts training schools.

For printing the list of officials and employees of the commonwealth, a sum not exceeding forty-five hundred dollars, the same to be in addition to the amount appropriated for printing public documents.

Lists of officials.

For printing the report of the gas and electric light commissioners, the sum of seven hundred eighty-two dollars and ninety cents, the same to be in addition to any amount heretofore appropriated for this purpose, to be paid from the Gas and Electric Light Commissioners Fund.

Gas and electric light commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved July 28, 1911.

AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO BORROW MONEY FOR PROCURING AN EMERGENCY SUPPLY OF WATER.

Chap. 750.

Be it enacted, etc., as follows:

SECTION 1. The city of Worcester is hereby authorized to borrow from time to time such sums of money as it may deem necessary, to an amount not exceeding one hundred thousand dollars, and to issue therefor notes, bonds or certificates of indebtedness, payable not later than January 1, 1917, from receipts for the sale of water. Such notes, bonds or certificates of indebtedness shall be denominated on the face thereof, Worcester Water Scrip, Emergency Supply, Act of 1911, and shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws, and acts in amendment thereof and in addition thereto.

Worcester Water Scrip, Emergency Supply, Act of 1911.

SECTION 2. The sums received from the sale of securities issued under authority hereof, shall be used for defraying the costs and expenses incurred in providing an emergency supply of water for the city of Worcester to be procured during the year nineteen hundred and eleven.

Disposition of proceeds, etc.

SECTION 3. This act shall take effect upon its passage.

Approved July 28, 1911.

Chap.751 AN ACT RELATIVE TO PAYMENTS TO EMPLOYEES FOR PERSONAL INJURIES RECEIVED IN THE COURSE OF THEIR EMPLOYMENT AND TO THE PREVENTION OF SUCH INJURIES.

Be it enacted, etc., as follows:

PART I.

MODIFICATION OF REMEDIES.

Damages for personal injury, etc.

SECTION 1. In an action to recover damages for personal injury sustained by an employee in the course of his employment, or for death resulting from personal injury so sustained, it shall not be a defense:

1. That the employee was negligent;
2. That the injury was caused by the negligence of a fellow employee;
3. That the employee had assumed the risk of the injury.

Law not to apply in certain cases.

SECTION 2. The provisions of section one shall not apply to actions to recover damages for personal injuries sustained by domestic servants and farm laborers.

Same.

SECTION 3. The provisions of section one shall not apply to actions to recover damages for personal injuries sustained by employees of a subscriber.

Same.

SECTION 4. The provisions of sections one hundred and twenty-seven to one hundred and thirty-five, inclusive, and of one hundred and forty-one to one hundred and forty-three, inclusive, of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine, and of any acts in amendment thereof, shall not apply to employees of a subscriber while this act is in effect.

Right of action in certain cases held to be waived.

SECTION 5. An employee of a subscriber shall be held to have waived his right of action at common law to recover damages for personal injuries if he shall not have given his employer, at the time of his contract of hire, notice in writing that he claimed such right, or if the contract of hire was made before the employer became a subscriber, if the employee shall not have given the said notice within thirty days of notice of such subscription. An employee who has given notice to his employer that he claimed his right of action at common law may waive such claim by a notice in writing which shall take effect five days after it is delivered to the employer or his agent.

PART II.

PAYMENTS.

SECTION 1. If an employee who has not given notice of his claim of common law rights of action, as provided in Part I, section five, or who has given such notice and has waived the same, receives a personal injury arising out of and in the course of his employment, he shall be paid compensation by the association, as hereinafter provided, if his employer is a subscriber at the time of the injury.

Payment of compensation.

SECTION 2. If the employee is injured by reason of his serious and wilful misconduct, he shall not receive compensation.

Misconduct of employee to prohibit compensation.

SECTION 3. If the employee is injured by reason of the serious and wilful misconduct of a subscriber or of any person regularly entrusted with and exercising the powers of superintendence, the amounts of compensation hereinafter provided shall be doubled. In such case the subscriber shall repay to the association the extra compensation paid to the employee.

Misconduct of another person, etc.

SECTION 4. No compensation shall be paid under this act for any injury which does not incapacitate the employee for a period of at least two weeks from earning full wages, but if incapacity extends beyond the period of two weeks, compensation shall begin on the fifteenth day after the injury.

Certain cases of injury, etc.

SECTION 5. During the first two weeks after the injury, the association shall furnish reasonable medical and hospital services, and medicines when they are needed.

Medical and hospital services.

SECTION 6. If death results from the injury, the association shall pay the dependents of the employee, wholly dependent upon his earnings for support at the time of the injury, a weekly payment equal to one half his average weekly wages, but not more than ten dollars nor less than four dollars a week, for a period of three hundred weeks from the date of the injury. If the employee leaves dependents only partly dependent upon his earnings for support at the time of his injury, the association shall pay such dependents a weekly compensation equal to the same proportion of the weekly payments for the benefit of persons wholly dependent as the amount contributed by the employee to such partial dependents bears to the annual earnings of the deceased at the time of his injury. When weekly pay-

If death results from injury certain dependents to be compensated.

ments have been made to an injured employee before his death, the compensation to dependents shall begin from the date of the last of such payments, but shall not continue more than three hundred weeks from the date of the injury.

Who are
presumed
to be
dependents,
etc.

SECTION 7. The following persons shall be conclusively presumed to be wholly dependent for support upon a deceased employee:—

(a) A wife upon a husband with whom she lives at the time of his death.

(b) A husband upon a wife with whom he lives at the time of her death.

(c) A child or children under the age of eighteen years (or over said age, but physically or mentally incapacitated from earning) upon the parent with whom he is or they are living at the time of the death of such parent, there being no surviving dependent parent. In case there is more than one child thus dependent, the death benefit shall be divided equally among them.

In all other cases questions of dependency, in whole or in part, shall be determined in accordance with the fact, as the fact may be at the time of the injury; and in such other cases, if there is more than one person wholly dependent, the death benefit shall be divided equally among them, and persons partly dependent, if any, shall receive no part thereof; if there is no one wholly dependent and more than one person partly dependent, the death benefit shall be divided among them according to the relative extent of their dependency.

Expense of last
sickness and
burial to be
paid in cer-
tain cases.

SECTION 8. If the employee leaves no dependents, the association shall pay the reasonable expense of his last sickness and burial, which shall not exceed two hundred dollars.

Compensation
to be paid
while in-
capacity for
work continues.

SECTION 9. While the incapacity for work resulting from the injury is total, the association shall pay the injured employee a weekly compensation equal to one half his average weekly wages, but not more than ten dollars nor less than four dollars a week; and in no case shall the period covered by such compensation be greater than five hundred weeks, nor the amount more than three thousand dollars.

Amount to be
paid in cases
of partial
incapacity,
etc.

SECTION 10. While the incapacity for work resulting from the injury is partial, the association shall pay the injured employee a weekly compensation equal to one half the difference between his average weekly wages before

the injury and the average weekly wages which he is able to earn thereafter, but not more than ten dollars a week; and in no case shall the period covered by such compensation be greater than three hundred weeks from the date of the injury.

SECTION 11. In case of the following specified injuries the amounts hereinafter named shall be paid in addition to all other compensation:

Amount to be paid in cases of specified injuries.

(a) For the loss by severance of both hands at or above the wrist, or both feet at or above the ankle, or the loss of one hand and one foot, or the entire and irrecoverable loss of the sight of both eyes, one half of the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of one hundred weeks.

(b) For the loss by severance of either hand at or above the wrist, or either foot at or above the ankle, or the entire and irrecoverable loss of the sight of either eye, one half the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of fifty weeks.

(c) For the loss by severance at or above the second joint of two or more fingers, including thumbs, or toes, one half the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of twenty-five weeks.

(d) For the loss by severance of at least one phalange of a finger, thumb, or toe, one half the average weekly wages of the injured person, but not more than ten dollars nor less than four dollars a week, for a period of twelve weeks.

SECTION 12. No savings or insurance of the injured employee, independent of this act, shall be taken into consideration in determining the compensation to be paid hereunder, nor shall benefits derived from any other source than the association be considered in fixing the compensation under this act.

Savings of injured employee not to be considered.

SECTION 13. The compensation payable under this act in case of the death of the injured employee shall be paid to his legal representative; or, if he has no legal representative to his dependents; or, if he leaves no dependents, to the persons to whom payment of the expenses for the last sickness and burial are due. If the payment is made to the legal representative of the deceased employee, it shall

To whom compensation shall be paid in certain cases.

be paid by him to the dependents or other persons entitled thereto under this act.

Guardian,
etc., may
claim right
in certain
cases.

SECTION 14. If an injured employee is mentally incompetent or is a minor at the time when any right or privilege accrues to him under this act, his guardian or next friend may in his behalf claim and exercise such right or privilege.

Notice of
injury to be
given, etc.

SECTION 15. No proceedings for compensation for an injury under this act shall be maintained unless a notice of the injury shall have been given to the association or subscriber as soon as practicable after the happening thereof, and unless the claim for compensation with respect to such injury shall have been made within six months after the occurrence of the same; or, in case of the death of the employee, or in the event of his physical or mental incapacity, within six months after death or the removal of such physical or mental incapacity.

Notice to be
in writing,
etc.

SECTION 16. The said notice shall be in writing, and shall state in ordinary language the time, place and cause of the injury; and shall be signed by the person injured, or by a person in his behalf, or, in the event of his death, by his legal representative or by a person in his behalf.

Serving of
notice.

SECTION 17. The notice shall be served upon the association, or an officer or agent thereof, or upon the subscriber, or upon one subscriber, if there are more subscribers than one, or upon any officer or agent of a corporation if the subscriber is a corporation, by delivering the same to the person on whom it is to be served, or leaving it at his residence or place of business, or by sending it by registered mail addressed to the person or corporation on whom it is to be served, at his last known residence or place of business.

Notice not to
be invalid by
reason of in-
accuracy, etc.

SECTION 18. A notice given under the provisions of this act shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place or cause of the injury, unless it is shown that it was the intention to mislead and the association was in fact misled thereby. Want of notice shall not be a bar to proceedings under this act, if it be shown that the association, subscriber, or agent had knowledge of the injury.

Medical
examination,
etc.

SECTION 19. After an employee has given notice of an injury, as provided by this act, and from time to time thereafter during the continuance of his disability he shall, if so requested by the association, submit himself to an examination by a physician or surgeon authorized to practise medi-

cine under the laws of the commonwealth, furnished and paid for by the association. The employee shall have the right to have a physician provided and paid for by himself present at the examination. If he refuses to submit himself for the examination, or in any way obstructs the same, his right to compensation shall be suspended, and his compensation during the period of suspension may be forfeited.

SECTION 20. No agreement by an employee to waive his rights to compensation under this act shall be valid. Right of compensation not to be waived.

SECTION 21. No payment under this act shall be assignable or subject to attachment, or be liable in any way for any debts. Not to be assigned, etc.

SECTION 22. Whenever any weekly payment has been continued for not less than six months, the liability therefor may in unusual cases be redeemed by the payment of a lump sum by agreement of the parties, subject to the approval of the industrial accident board. A lump sum may be paid on agreement.

PART III.

PROCEDURE.

SECTION 1. There shall be an industrial accident board consisting of three members, to be appointed by the governor, by and with the advice and consent of the council, one of whom shall be designated by the governor as chairman. The term of office of members of this board shall be six years, except that when first constituted one member shall be appointed for two years, one for four years, and one for six years. Thereafter one member shall be appointed every second year for the full term of six years. Industrial accident board, appointment, etc.

SECTION 2. The salaries and expenses of the board shall be paid by the commonwealth. The salary of the chairman shall be sixty-five hundred dollars a year, and the salary of the other members shall be six thousand dollars a year each. The board may appoint a secretary at a salary of not more than three thousand dollars a year, and may remove him. It shall also be allowed an annual sum, not exceeding ten thousand dollars, for clerical service, and travelling and other necessary expenses. The board shall be provided with an office in the state house or in some other suitable building in the city of Boston, in which its records shall be kept. Salaries and expenses to be paid by the commonwealth, etc.

SECTION 3. The board may make rules not inconsistent with this act for carrying out the provisions of the act. The board may make rules, etc.

Process and procedure under this act shall be as summary as reasonably may be. The board or any member thereof shall have the power to subpoena witnesses and to examine such parts of the books and records of the parties to a proceeding as relate to questions in dispute.

Agreements
to be filed
with the
board.

SECTION 4. If the association and the injured employee reach an agreement in regard to compensation under this act, a memorandum of the agreement shall be filed with the industrial accident board and, if approved by it, thereupon the memorandum shall for all purposes be enforceable as a decree of the superior court. Such agreements shall be approved by said board only when the terms conform to the provisions of this act.

Committee of
arbitration
may be
formed, etc.

SECTION 5. If the association and the injured employee fail to reach an agreement in regard to compensation under this act, either party may notify the industrial accident board who shall thereupon call for the formation of a committee of arbitration. The committee of arbitration shall consist of three members, one of whom shall be a member of the industrial accident board, and shall act as chairman. The other two members shall be named, respectively, by the two parties.

Duties of the
board, etc.

SECTION 6. It shall be the duty of the industrial accident board, upon notification that the parties have failed to reach an agreement, to request both parties to appoint their respective representatives on the committee of arbitration. The board shall designate one of its members to act as chairman, and, if either party does not appoint its member on this committee within seven days after notification, as above provided, the board or any member thereof shall fill the vacancy and notify the parties to that effect.

Investigation
to be made by
the committee
of arbitration.

SECTION 7. The committee of arbitration shall make such inquiries and investigations as it shall deem necessary. The hearings of the committee shall be held at the place where the injury occurred, and the decision of the committee shall be filed with the industrial accident board. Unless a claim for a review is filed by either party within seven days, the decision shall be enforceable as if it were a decree of the superior court.

Appointment
of physician,
etc.

SECTION 8. The industrial accident board or any member thereof may appoint a duly qualified impartial physician to examine the injured employee and to report. The fee for this service shall be five dollars and travelling ex-

penses, but the board may allow additional reasonable amounts in extraordinary cases.

SECTION 9. The arbitrators named by or for the parties to the dispute shall each receive five dollars as a fee for his services, but the industrial accident board or any member thereof may allow additional reasonable amounts in extraordinary cases. The fees shall be paid by the association, which shall deduct an amount equal to one third of the sum from any compensation found due the employee.

Fee of arbitrators.

SECTION 10. If a claim for a review is filed, as provided in Part III, section seven, the board shall hear the parties and file its decision with the records of the proceedings.

Review of claim.

SECTION 11. There shall be a right of appeal to the supreme judicial court on questions of law, and the industrial accident board may report questions of law to the supreme judicial court for its determination.

Right of appeal.

SECTION 12. Any weekly payment under this act may be reviewed by the industrial accident board at the request of the association or of the employee; and on such review it may be ended, diminished or increased, subject to the maximum and minimum amounts above provided, if the board finds that the condition of the employee warrants such action.

Weekly payments may be diminished or increased.

SECTION 13. Fees of attorneys and physicians for services under this act shall be subject to the approval of the industrial accident board.

Fees of attorneys, etc.

SECTION 14. If the committee of arbitration, industrial accident board, or any court before whom any proceedings are brought under this act determines that such proceedings have been brought, prosecuted, or defended without reasonable ground, it shall assess the whole cost of the proceedings upon the party who has so brought, prosecuted or defended them.

Payment of cost of proceedings before arbitration board.

SECTION 15. Where the injury for which compensation is payable under this act was caused under circumstances creating a legal liability in some person other than the subscriber to pay damages in respect thereof, the employee may at his option proceed either at law against that person to recover damages, or against the association for compensation under this act, but not against both, and if compensation be paid under this act, the association may enforce in the name of the employee, or in its own name and for its own benefit, the liability of such other person.

Legal liability for injuries.

Settlement of
certain
questions.

SECTION 16. All questions arising under this act, if not settled by agreement by the parties interested therein, shall, except as otherwise herein provided, be determined by the industrial accident board. The decisions of the industrial accident board shall for all purposes be enforceable as if they were decrees of the superior court.

Proceedings in
case of con-
tract work, etc.

SECTION 17. If a subscriber enters into a contract, written or oral, with an independent contractor to do such subscriber's work, or if such a contractor enters into a contract with a sub-contractor to do all or any part of the work comprised in such contract with the subscriber, and the association would, if such work were executed by employees immediately employed by the subscriber, be liable to pay compensation under this act to those employees, the association shall pay to such employees any compensation which would be payable to them under this act if the independent or sub-contractors were subscribers. The association, however, shall be entitled to recover indemnity from any other person who would have been liable to such employees independently of this section, and if the association has paid compensation under the terms of this section, it may enforce in the name of the employee, or in its own name and for the benefit of the association, the liability of such other person. This section shall not apply to any contract of an independent or sub-contractor which is merely ancillary and incidental to, and is no part of or process in, the trade or business carried on by the subscriber, nor to any case where the injury occurred elsewhere than on, in, or about the premises on which the contractor has undertaken to execute the work for the subscriber or which are under the control or management of the subscriber.

Record of
injuries to
be kept, etc.

SECTION 18. Every employer shall hereafter keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within forty-eight hours, not counting Sundays and legal holidays, after the occurrence of an accident resulting in personal injury a report thereof shall be made in writing to the industrial accident board on blanks to be procured from the board for the purpose.

Supplemental
report.

Upon the termination of the disability of the injured employee or, if such disability extends beyond a period of sixty days, at the expiration of such period the employer shall make a supplemental report on blanks to be procured from the board for that purpose.

The said reports shall contain the name and nature of the business of the employer, the location of the establishment, the name, age, sex and occupation of the injured employee, and shall state the date and hour of the accident, the nature and cause of the injury, and such other information as may be required by the board.

Contents of report.

Any employer who refuses or neglects to make the report required by this section shall be punished by a fine of not more than fifty dollars for each offence.

Penalty.

PART IV.

THE MASSACHUSETTS EMPLOYEES INSURANCE ASSOCIATION.

SECTION 1. The Massachusetts Employees Insurance Association is hereby created a body corporate with the powers provided in this act and with all the general corporate powers incident thereto.

The Massachusetts Employees Insurance Association created.

SECTION 2. The governor shall appoint a board of directors of the association, consisting of fifteen members, who shall serve for a term of one year, or until their successors are elected by ballot by the subscribers at such time and for such term as the by-laws shall provide.

Board of directors, appointment, etc.

SECTION 3. Until the first meeting of the subscribers the board of directors shall have and exercise all the powers of the subscribers, and may adopt by-laws not inconsistent with the provisions of this act, which shall be in effect until amended or repealed by the subscribers.

Powers of the board.

SECTION 4. The board of directors shall annually choose by ballot a president, who shall be a member of the board, a secretary, a treasurer, and such other officers as the by-laws shall provide.

Officers of the board.

SECTION 5. Seven or more of the directors shall constitute a quorum for the transaction of business.

Quorum.

Vacancies in any office may be filled in such manner as the by-laws shall provide.

Vacancies.

SECTION 6. Any employer in the commonwealth may become a subscriber.

Any employer may be a subscriber.

SECTION 7. The board of directors shall, within thirty days of the subscription of twenty-five employers, call the first meeting of the subscribers by a notice in writing mailed to each subscriber at his place of business not less than ten days before the date fixed for the meeting.

First meeting of the board

SECTION 8. In any meeting of the subscribers each subscriber shall be entitled to one vote, and if a subscriber

Number of votes to which each sub-

subscriber is
entitled.

has five hundred employees to whom the association is bound to pay compensation he shall be entitled to two votes, and he shall be entitled to one additional vote for each additional five hundred employees to whom the association is bound to pay compensation, but no subscriber shall cast, by his own right or by the right of proxy, more than twenty votes.

Issue of
policies.

SECTION 9. No policy shall be issued by the association until not less than one hundred employers have subscribed, who have not less than ten thousand employees to whom the association may be bound to pay compensation.

Same.

SECTION 10. No policy shall be issued until a list of the subscribers, with the number of employees of each, together with such other information as the insurance commissioner may require, shall have been filed at the insurance department, nor until the president and secretary of the association shall have certified under oath that every subscription in the list so filed is genuine and made with an agreement by every subscriber that he will take the policies subscribed for by him within thirty days of the granting of a license to the association by the insurance commissioner to issue policies.

Same.

SECTION 11. If the number of subscribers falls below one hundred, or the number of employees to whom the association may be bound to pay compensation falls below ten thousand, no further policies shall be issued until other employers have subscribed who, together with existing subscribers, amount to not less than one hundred who have not less than ten thousand employees, said subscriptions to be subject to the provisions contained in the preceding section.

Duties of the
insurance com-
missioner.

SECTION 12. Upon the filing of the certificate provided for in the two preceding sections the insurance commissioner shall make such investigation as he may deem proper and, if his findings warrant it, grant a license to the association to issue policies.

Subscribers
to be dis-
tributed in
groups.

SECTION 13. The board of directors shall distribute the subscribers into groups in accordance with the nature of the business and the degree of the risk of injury.

Payment of
premiums.

Subscribers within each group shall annually pay in cash, or notes absolutely payable, such premiums as may be required to pay the compensation herein provided for the injuries which may occur in that year.

Liability of
subscribers.

SECTION 14. The association may in its by-laws and policies fix the contingent mutual liability of the subscribers

for the payment of losses and expenses not provided for by its cash funds; but such contingent liability of a subscriber shall not be less than an amount equal to and in addition to the cash premium.

SECTION 15. If the association is not possessed of cash funds above its unearned premiums sufficient for the payment of incurred losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses upon the subscribers liable to assessment therefor in proportion to their several liability. Assessments.

Every subscriber shall pay his proportional part of any assessments which may be laid by the association, in accordance with law and his contract, on account of injuries sustained and expenses incurred while he is a subscriber.

SECTION 16. The board of directors may, from time to time, by vote fix and determine the amount to be paid as a dividend upon policies expiring during each year after retaining sufficient sums to pay all the compensation which may be payable on account of injuries sustained and expenses incurred. Dividends.

All premiums, assessments, and dividends shall be fixed by and for groups as heretofore provided in accordance with the experience of each group, but all the funds of the association and the contingent liability of all the subscribers shall be available for the payment of any claim against the association. All funds to be available for payment of claims.

SECTION 17. Any proposed premium, assessment, dividend or distribution of subscribers shall be filed with the insurance department and shall not take effect until approved by the insurance commissioner after such investigation as he may deem necessary. Insurance commissioner to approve premiums, etc.

SECTION 18. The board of directors shall make and enforce reasonable rules and regulations for the prevention of injuries on the premises of subscribers, and for this purpose the inspectors of the association shall have free access to all such premises during regular working hours. Rules and regulations for the prevention of injuries, etc.

Any subscriber or employee aggrieved by any such rule or regulation may petition the industrial accident board for a review, and it may affirm, amend, or annul the rule or regulation. Rules may be reviewed, etc.

SECTION 19. If any officer of the association shall falsely make oath to any certificate required to be filed with the insurance commissioner, he shall be guilty of perjury. False oath of officer, etc.

SECTION 20. Every subscriber shall, as soon as he secures a policy, give notice, in writing or print, to all persons Certain notice to be given to

employees,
etc.

Same.

Subscribers
required to
pay damages
by judgment
of a court may
be reimbursed
in certain
cases.

Certain
provisions
of law to
apply.

Expenses of
the board to
be approved
by the
governor and
council.

An employee
who accepts
payment, etc.,
releases the
subscriber.

Certain
words and
phrases
defined.

under contract of hire with him that he has provided for payment to injured employees by the association.

SECTION 21. Every subscriber shall give notice in writing or print to every person with whom he is about to enter into a contract of hire that he has provided for payment to injured employees by the association.

SECTION 22. If a subscriber, who has complied with all the rules, regulations and demands of the association, is required by any judgment of a court of law to pay to an employee any damages on account of personal injury sustained by such employee during the period of subscription, the association shall pay to the subscriber the full amount of such judgment and the cost assessed therewith, if the subscriber shall have given the association notice in writing of the bringing of the action upon which the judgment was recovered and an opportunity to appear and defend the same.

SECTION 23. The provisions of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven and of acts in amendment thereof shall apply to the association, so far as such provisions are pertinent and not in conflict with the provisions of this act, except that the corporate powers shall not expire because of failure to issue policies or make insurance.

SECTION 24. The board of directors appointed by the governor under the provisions of Part IV, section two, may incur such expenses in the performance of its duties as shall be approved by the governor and council. Such expenses shall be paid from the treasury of the commonwealth and shall not exceed in amount the sum of fifteen thousand dollars.

PART V.

MISCELLANEOUS PROVISIONS.

SECTION 1. If an employee of a subscriber files any claim with or accepts any payment from the association on account of personal injury, or makes any agreement, or submits any question to arbitration, under this act, such action shall constitute a release to the subscriber of all claims or demands at law, if any, arising from the injury.

SECTION 2. The following words and phrases, as used in this act, shall, unless a different meaning is plainly required by the context, have the following meaning: —

“Employer” shall include the legal representative of a deceased employer.

Certain words and phrases defined.

“Employee” shall include every person in the service of another under any contract of hire, express or implied, oral or written, except one whose employment is but casual, or is not in the usual course of the trade, business, profession or occupation of his employer. Any reference to an employee who has been injured shall, when the employee is dead, also include his legal representatives, dependents and other persons to whom compensation may be payable.

“Dependents” shall mean members of the employee’s family or next of kin who were wholly or partly dependent upon the earnings of the employee for support at the time of the injury.

“Average weekly wages” shall mean the earnings of the injured employee during the period of twelve calendar months immediately preceding the date of injury, divided by fifty-two; but if the injured employee lost more than two weeks’ time during such period then the earnings for the remainder of such twelve calendar months shall be divided by the number of weeks remaining after the time so lost has been deducted. Where, by reason of the shortness of the time during which the employee has been in the employment of his employer, or the nature or terms of the employment, it is impracticable to compute the average weekly wages, as above defined, regard may be had to the average weekly amount which, during the twelve months previous to the injury, was being earned by a person in the same grade employed at the same work by the same employer; or, if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district.

“Association” shall mean the Massachusetts Employees Insurance Association.

“Subscriber” shall mean an employer who has become a member of the association by paying a year’s premium in advance and receiving the receipt of the association therefor, provided that the association holds a license issued by the insurance commissioner as provided in Part IV, section twelve.

SECTION 3. Any liability insurance company authorized to do business within this commonwealth shall have the same right as the association to insure the liability to pay the compensation provided for by this act, and a policy

Liability insurance companies subject to certain regulations contained in this act.

holder of such liability company shall be regarded as a subscriber so far as applicable within the meaning of this act, and when any such company insures such payment of compensation it shall be subject to all the regulations and obligations imposed upon the association.

Repeal. SECTION 4. Sections one hundred and thirty-six to one hundred and forty, inclusive, of chapter five hundred and fourteen of the acts of the year nineteen hundred and nine are hereby repealed.

Not to apply in certain cases. SECTION 5. The provisions of this act shall not apply to injuries sustained prior to the taking effect thereof.

Time of taking effect. SECTION 6. Part IV of this act shall take effect on the first day of January, nineteen hundred and twelve; the remainder thereof shall take effect on the first day of July, nineteen hundred and twelve. *Approved July 28, 1911.*

Chap.752 AN ACT TO APPORTION AND ASSESS A STATE TAX OF FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS.

Be it enacted, etc., as follows:

State tax apportioned and assessed. SECTION 1. Each city and town in this commonwealth shall be assessed and pay the sum with which it stands charged in the following schedule, that is to say: —

Abington, forty-six hundred and twenty dollars, . . .	\$4,620 00
Acton, three thousand and eighty dollars, . . .	3,080 00
Acushnet, eleven hundred and fifty-five dollars, . . .	1,155 00
Adams, ten thousand four hundred and fifty dollars, . . .	10,450 00
Agawam, three thousand and twenty-five dollars, . . .	3,025 00
Alford, two hundred and seventy-five dollars, . . .	275 00
Amesbury, ninety-four hundred and five dollars, . . .	9,405 00
Amherst, fifty-seven hundred and twenty dollars, . . .	5,720 00
Andover, eleven thousand three hundred and eighty-five dollars, . . .	11,385 00
Arlington, sixteen thousand six hundred and ten dollars, . . .	16,610 00
Ashburnham, fifteen hundred and ninety-five dollars, . . .	1,595 00
Ashby, eleven hundred dollars, . . .	1,100 00
Ashfield, nine hundred and ninety dollars, . . .	990 00
Ashland, seventeen hundred and sixty dollars, . . .	1,760 00
Athol, seventy-two hundred and sixty dollars, . . .	7,260 00
Attleborough, twenty-one thousand five hundred and sixty dollars, . . .	21,560 00
Auburn, eighteen hundred and seventy dollars, . . .	1,870 00
Avon, fifteen hundred and forty dollars, . . .	1,540 00
Ayer, three thousand and eighty dollars, . . .	3,080 00
Barnstable, eighty-three hundred and sixty dollars, . . .	8,360 00
Barre, twenty-eight hundred and sixty dollars, . . .	2,860 00
Becket, eight hundred and twenty-five dollars, . . .	825 00

Bedford, nineteen hundred and eighty dollars, . . .	\$1,980 00	State tax apportioned and assessed.
Belchertown, fourteen hundred and eighty-five dollars, . . .	1,485 00	
Bellingham, thirteen hundred and twenty dollars, . . .	1,320 00	
Belmont, ninety-two hundred and ninety-five dollars, . . .	9,295 00	
Berkley, six hundred and sixty dollars, . . .	660 00	
Berlin, eight hundred and twenty-five dollars, . . .	825 00	
Bernardston, seven hundred and fifteen dollars, . . .	715 00	
Beverly, forty-eight thousand eight hundred and forty dollars, . . .	48,840 00	
Billerica, four thousand and fifteen dollars, . . .	4,015 00	
Blackstone, thirty-five hundred and seventy-five dol- lars, . . .	3,575 00	
Blandford, seven hundred and seventy dollars, . . .	770 00	
Bolton, seven hundred and fifteen dollars, . . .	715 00	
Boston, one million eight hundred eighty thousand three hundred and ninety-five dollars, . . .	1,880,395 00	
Bourne, fifty-eight hundred and thirty dollars, . . .	5,830 00	
Boxborough, three hundred and eighty-five dollars, . . .	385 00	
Boxford, nineteen hundred and twenty-five dollars, . . .	1,925 00	
Boylston, seven hundred and fifteen dollars, . . .	715 00	
Braintree, ninety-one hundred and eighty-five dollars, . . .	9,185 00	
Brewster, nine hundred and thirty-five dollars, . . .	935 00	
Bridgewater, five thousand and sixty dollars, . . .	5,060 00	
Brimfield, eight hundred and twenty-five dollars, . . .	825 00	
Brockton, sixty-three thousand and eight hundred dollars, . . .	63,800 00	
Brookfield, nineteen hundred and eighty dollars, . . .	1,980 00	
Brookline, one hundred fifty-two thousand one hun- dred and thirty dollars, . . .	152,130 00	
Buckland, eleven hundred and fifty-five dollars, . . .	1,155 00	
Burlington, eight hundred and eighty dollars, . . .	880 00	
Cambridge, one hundred fifty-six thousand eight hundred and sixty dollars, . . .	156,860 00	
Canton, sixty-four hundred and thirty-five dollars, . . .	6,435 00	
Carlisle, seven hundred and seventy dollars, . . .	770 00	
Carver, two thousand and ninety dollars, . . .	2,090 00	
Charlemont, eight hundred and twenty-five dollars, . . .	825 00	
Charlton, nineteen hundred and twenty-five dollars, . . .	1,925 00	
Chatham, nineteen hundred and twenty-five dollars, . . .	1,925 00	
Chelmsford, sixty-four hundred and ninety dollars, . . .	6,490 00	
Chelsea, thirty-six thousand three hundred and fifty- five dollars, . . .	36,355 00	
Cheshire, twelve hundred and sixty-five dollars, . . .	1,265 00	
Chester, eleven hundred and fifty-five dollars, . . .	1,155 00	
Chesterfield, four hundred and ninety-five dollars, . . .	495 00	
Chicopee, twenty thousand nine hundred and fifty- five dollars, . . .	20,955 00	
Chilmark, four hundred and forty dollars, . . .	440 00	
Clarksburg, four hundred and ninety-five dollars, . . .	495 00	
Clinton, twelve thousand nine hundred and twenty- five dollars, . . .	12,925 00	
Cohasset, ten thousand nine hundred and forty-five dollars, . . .	10,945 00	

State tax
apportioned
and assessed.

Colrain, twelve hundred and ten dollars,	\$1,210 00
Concord, ten thousand six hundred and seventy dollars,	10,670 00
Conway, eleven hundred dollars,	1,100 00
Cummington, four hundred and ninety-five dollars,	495 00
Dalton, sixty-two hundred and seventy dollars,	6,270 00
Dana, six hundred and five dollars,	605 00
Danvers, ninety-five hundred and seventy dollars,	9,570 00
Dartmouth, fifty-eight hundred and eighty-five dollars,	5,885 00
Dedham, nineteen thousand and eighty-five dollars,	19,085 00
Deerfield, twenty-six hundred and ninety-five dollars,	2,695 00
Dennis, nineteen hundred and eighty dollars,	1,980 00
Dighton, seventeen hundred and five dollars,	1,705 00
Douglas, two thousand and thirty-five dollars,	2,035 00
Dover, seventy-three hundred and fifteen dollars,	7,315 00
Dracut, thirty-four hundred and ten dollars,	3,410 00
Dudley, twenty-seven hundred and fifty dollars,	2,750 00
Dunstable, five hundred and fifty dollars,	550 00
Duxbury, thirty-one hundred and ninety dollars,	3,190 00
East Bridgewater, thirty-four hundred and ten dol- lars,	3,410 00
East Longmeadow, eleven hundred dollars,	1,100 00
Eastham, six hundred and sixty dollars,	660 00
Easthampton, eighty-six hundred and thirty-five dol- lars,	8,635 00
Easton, eighty-three hundred and five dollars,	8,305 00
Edgartown, seventeen hundred and sixty dollars,	1,760 00
Egremont, seven hundred and fifteen dollars,	715 00
Enfield, one thousand and forty-five dollars,	1,045 00
Erving, fourteen hundred and eighty-five dollars,	1,485 00
Essex, seventeen hundred and sixty dollars,	1,760 00
Everett, thirty-eight thousand nine hundred and ninety-five dollars,	38,995 00
Fairhaven, five thousand and sixty dollars,	5,060 00
Fall River, one hundred thirty-six thousand and fifteen dollars,	136,015 00
Falmouth, twelve thousand four hundred and eighty- five dollars,	12,485 00
Fitchburg, forty-three thousand eight hundred and thirty-five dollars,	43,835 00
Florida, two hundred and seventy-five dollars,	275 00
Foxborough, thirty-three hundred and fifty-five dol- lars,	3,355 00
Framingham, sixteen thousand nine hundred and forty dollars,	16,940 00
Franklin, fifty-six hundred and sixty-five dollars,	5,665 00
Freetown, fourteen hundred and thirty dollars,	1,430 00
Gardner, twelve thousand one hundred and fifty-five dollars,	12,155 00
Gay Head, fifty-five dollars,	55 00
Georgetown, fifteen hundred and ninety-five dollars,	1,595 00
Gill, seven hundred and fifteen dollars,	715 00
Gloucester, thirty-three thousand two hundred and seventy-five dollars,	33,275 00

Goshen, three hundred and thirty dollars, . . .	\$330 00	State tax apportioned and assessed.
Gosnold, seven hundred and seventy dollars, . . .	770 00	
Grafton, forty-four hundred dollars, . . .	4,400 00	
Granby, seven hundred and seventy dollars, . . .	770 00	
Granville, seven hundred and fifteen dollars, . . .	715 00	
Great Barrington, eighty-eight hundred and fifty-five dollars, . . .	8,855 00	
Greenfield, fourteen thousand eight hundred and fifty dollars, . . .	14,850 00	
Greenwich, three hundred and eighty-five dollars, . . .	385 00	
Groton, fifty-six hundred and sixty-five dollars, . . .	5,665 00	
Groveland, eighteen hundred and fifteen dollars, . . .	1,815 00	
Hadley, two thousand and thirty-five dollars, . . .	2,035 00	
Halifax, seven hundred and seventy dollars, . . .	770 00	
Hamilton, fifty-seven hundred and seventy-five dol- lars, . . .	5,775 00	
Hampden, five hundred and fifty dollars, . . .	550 00	
Hancock, four hundred and ninety-five dollars, . . .	495 00	
Hanover, twenty-three hundred and sixty-five dollars, . . .	2,365 00	
Hanson, sixteen hundred and fifty dollars, . . .	1,650 00	
Hardwick, three thousand and twenty-five dollars, . . .	3,025 00	
Harvard, eighteen hundred and seventy dollars, . . .	1,870 00	
Harwich, two thousand and ninety dollars, . . .	2,090 00	
Hatfield, two thousand and thirty-five dollars, . . .	2,035 00	
Haverhill, forty-seven thousand seven hundred and ninety-five dollars, . . .	47,795 00	
Hawley, two hundred and seventy-five dollars, . . .	275 00	
Heath, two hundred and seventy-five dollars, . . .	275 00	
Hingham, ninety-two hundred and ninety-five dollars, . . .	9,295 00	
Hinsdale, nine hundred and thirty-five dollars, . . .	935 00	
Holbrook, twenty-four hundred and twenty dollars, . . .	2,420 00	
Holden, twenty-five hundred and thirty dollars, . . .	2,530 00	
Holland, one hundred and sixty-five dollars, . . .	165 00	
Holliston, twenty-five hundred and eighty-five dol- lars, . . .	2,585 00	
Holyoke, seventy thousand six hundred and twenty dollars, . . .	70,620 00	
Hopedale, eighty-seven hundred and forty-five dollars, . . .	8,745 00	
Hopkinton, twenty-four hundred and twenty dollars, . . .	2,420 00	
Hubbardston, one thousand and forty-five dollars, . . .	1,045 00	
Hudson, sixty-six hundred and fifty-five dollars, . . .	6,655 00	
Hull, seventy-two hundred and five dollars, . . .	7,205 00	
Huntington, one thousand and forty-five dollars, . . .	1,045 00	
Hyde Park, twenty-one thousand and sixty-five dol- lars, . . .	21,065 00	
Ipswich, seven thousand and ninety-five dollars, . . .	7,095 00	
Kingston, twenty-five hundred and thirty dollars, . . .	2,530 00	
Lakeville, one thousand and forty-five dollars, . . .	1,045 00	
Lancaster, sixty-three hundred and twenty-five dol- lars, . . .	6,325 00	
Lanesborough, eight hundred and twenty-five dollars, . . .	825 00	
Lawrence, ninety-one thousand nine hundred and sixty dollars, . . .	91,960 00	

State tax
apportioned
and assessed.

Lee, thirty-four hundred and sixty-five dollars, . . .	\$3,465 00
Leicester, thirty-seven hundred and forty dollars, . . .	3,740 00
Lenox, eighty-four hundred and fifteen dollars, . . .	8,415 00
Leominster, eighteen thousand seven hundred and fifty-five dollars, . . .	18,755 00
Leverett, four hundred and ninety-five dollars, . . .	495 00
Lexington, eleven thousand six hundred and five dollars, . . .	11,605 00
Leyden, two hundred and seventy-five dollars, . . .	275 00
Lincoln, forty-six hundred and twenty dollars, . . .	4,620 00
Littleton, fifteen hundred and ninety-five dollars, . . .	1,595 00
Longmeadow, two thousand and thirty-five dollars, . . .	2,035 00
Lowell, one hundred and twenty thousand, seven hundred and twenty-five dollars, . . .	120,725 00
Ludlow, fifty-six hundred and ten dollars, . . .	5,610 00
Lunenburg, fifteen hundred and ninety-five dollars, . . .	1,595 00
Lynn, one hundred and seven thousand, five hundred and eighty dollars, . . .	107,580 00
Lynnfield, eleven hundred and fifty-five dollars, . . .	1,155 00
Malden, sixty-two thousand six hundred and forty-five dollars, . . .	62,645 00
Manchester, twenty-one thousand six hundred and fifteen dollars, . . .	21,615 00
Mansfield, fifty-eight hundred and eighty-five dollars, . . .	5,885 00
Marblehead, eleven thousand three hundred and eighty-five dollars, . . .	11,385 00
Marion, sixty-one hundred and sixty dollars, . . .	6,160 00
Marlborough, sixteen thousand one hundred and seventy dollars, . . .	16,170 00
Marshfield, twenty-seven hundred and fifty dollars, . . .	2,750 00
Mashpee, three hundred and thirty dollars, . . .	330 00
Mattapoisett, twenty-five hundred and eighty-five dollars, . . .	2,585 00
Maynard, sixty-one hundred and five dollars, . . .	6,105 00
Medfield, twenty-six hundred and forty dollars, . . .	2,640 00
Medford, thirty-three thousand seven hundred and seventy dollars, . . .	33,770 00
Medway, twenty-two hundred and fifty-five dollars, . . .	2,255 00
Melrose, twenty-three thousand seven hundred and sixty dollars, . . .	23,760 00
Mendon, eleven hundred dollars, . . .	1,100 00
Merrimac, nineteen hundred and twenty-five dollars, . . .	1,925 00
Methuen, ninety-eight hundred and forty-five dollars, . . .	9,845 00
Middleborough, seventy-four hundred and eighty dollars, . . .	7,480 00
Middlefield, two hundred and seventy-five dollars, . . .	275 00
Middleton, twelve hundred and ten dollars, . . .	1,210 00
Milford, thirteen thousand and ninety dollars, . . .	13,090 00
Millbury, thirty-seven hundred and forty dollars, . . .	3,740 00
Millis, fifteen hundred and forty dollars, . . .	1,540 00
Milton, thirty-eight thousand six hundred and ten dollars, . . .	38,610 00
Monroe, two hundred and seventy-five dollars, . . .	275 00

Monson, three thousand and eighty dollars, . . .	\$3,080 00	State tax apportioned and assessed.
Montague, sixty-four hundred and ninety dollars, . .	6,490 00	
Monterey, four hundred and forty dollars, . . .	440 00	
Montgomery, two hundred and seventy-five dollars, .	275 00	
Mount Washington, one hundred and ten dollars, . .	110 00	
Nahant, ten thousand two hundred and eighty-five dollars, . . .	10,285 00	
Nantucket, forty-seven hundred and eighty-five dol- lars, . . .	4,785 00	
Natick, eleven thousand nine hundred and ninety dol- lars, . . .	11,990 00	
Needham, eighty-four hundred and fifteen dollars, . .	8,415 00	
New Ashford, fifty-five dollars, . . .	55 00	
New Bedford, one hundred twenty-two thousand five hundred and forty dollars, . . .	122,540 00	
New Braintree, six hundred and five dollars, . . .	605 00	
New Marlborough, one thousand and forty-five dol- lars, . . .	1,045 00	
New Salem, five hundred and fifty dollars, . . .	550 00	
Newbury, eighteen hundred and seventy dollars, . .	1,870 00	
Newburyport, eighteen thousand nine hundred and twenty dollars, . . .	18,920 00	
Newton, one hundred and six thousand eight hundred and ten dollars, . . .	106,810 00	
Norfolk, twelve hundred and ten dollars, . . .	1,210 00	
North Adams, twenty-three thousand four hundred and eighty-five dollars, . . .	23,485 00	
North Andover, seventy-two hundred and sixty dol- lars, . . .	7,260 00	
North Attleborough, ten thousand two hundred and eighty-five dollars, . . .	10,285 00	
North Brookfield, twenty-five hundred and thirty dollars, . . .	2,530 00	
North Reading, one thousand and forty-five dollars, .	1,045 00	
Northampton, twenty-one thousand two hundred and thirty dollars, . . .	21,230 00	
Northborough, two thousand and thirty-five dollars, .	2,035 00	
Northbridge, eighty-four hundred and fifteen dollars, .	8,415 00	
Northfield, nineteen hundred and eighty dollars, . .	1,980 00	
Norton, nineteen hundred and twenty-five dollars, . .	1,925 00	
Norwell, sixteen hundred and fifty dollars, . . .	1,650 00	
Norwood, nineteen thousand four hundred and fifteen dollars, . . .	19,415 00	
Oak Bluffs, twenty-four hundred and twenty dollars, .	2,420 00	
Oakham, five hundred and fifty dollars, . . .	550 00	
Orange, six thousand and fifty dollars, . . .	6,050 00	
Orleans, one thousand and forty-five dollars, . . .	1,045 00	
Otis, four hundred and forty dollars, . . .	440 00	
Oxford, three thousand and eighty dollars, . . .	3,080 00	
Palmer, sixty-seven hundred and sixty-five dollars, .	6,765 00	
Paxton, four hundred and ninety-five dollars, . . .	495 00	
Peabody, sixteen thousand two hundred and eighty dollars, . . .	16,280 00	

State tax
apportioned
and assessed.

Pelham, four hundred and forty dollars,	\$440 00
Pembroke, fourteen hundred and thirty dollars,	1,430 00
Pepperell, thirty-three hundred and fifty-five dollars, .	3,355 00
Peru, two hundred and twenty dollars	220 00
Petersham, thirteen hundred and twenty dollars,	1,320 00
Phillipston, four hundred and forty dollars,	440 00
Pittsfield, thirty-five thousand three hundred and ten dollars,	35,310 00
Plainfield, two hundred and seventy-five dollars,	275 00
Plainville, twelve hundred and ten dollars,	1,210 00
Plymouth, sixteen thousand two hundred and eighty dollars,	16,280 00
Plympton, five hundred and fifty dollars,	550 00
Prescott, two hundred and seventy-five dollars,	275 00
Princeton, seventeen hundred and sixty dollars,	1,760 00
Provincetown, thirty-four hundred and ten dollars, . .	3,410 00
Quincy, forty-three thousand four hundred and fifty dollars,	43,450 00
Randolph, thirty-four hundred and sixty-five dollars,	3,465 00
Raynham, thirteen hundred and twenty dollars,	1,320 00
Reading, eight thousand and eighty-five dollars,	8,085 00
Rehoboth, thirteen hundred and seventy-five dollars,	1,375 00
Revere, twenty-two thousand three hundred and thirty dollars,	22,330 00
Richmond, five hundred and fifty dollars,	550 00
Rochester, nine hundred and ninety dollars,	990 00
Rockland, sixty-three hundred and eighty dollars, . . .	6,380 00
Rockport, forty-eight hundred and forty dollars, . . .	4,840 00
Rowe, three hundred and thirty dollars,	330 00
Rowley, eleven hundred and fifty-five dollars,	1,155 00
Royalston, nine hundred and thirty-five dollars,	935 00
Russell, one thousand and forty-five dollars,	1,045 00
Rutland, one thousand and forty-five dollars,	1,045 00
Salem, fifty-one thousand two hundred and five dollars,	51,205 00
Salisbury, thirteen hundred and seventy-five dollars, .	1,375 00
Sandisfield, five hundred and fifty dollars,	550 00
Sandwich, fifteen hundred and forty dollars,	1,540 00
Saugus, eighty-three hundred and sixty dollars,	8,360 00
Savoy, three hundred and thirty dollars,	330 00
Scituate, sixty-two hundred and fifteen dollars,	6,215 00
Seekonk, nineteen hundred and twenty-five dollars, . .	1,925 00
Sharon, thirty-nine hundred and five dollars,	3,905 00
Sheffield, sixteen hundred and fifty dollars,	1,650 00
Shelburne, eighteen hundred and seventy dollars, . . .	1,870 00
Sherborn, two thousand and ninety dollars,	2,090 00
Shirley, sixteen hundred and fifty dollars,	1,650 00
Shrewsbury, twenty-five hundred and thirty dollars, .	2,530 00
Shutesbury, three hundred and eighty-five dollars, . .	385 00
Somerset, twenty-two hundred dollars,	2,200 00
Somerville, ninety-three thousand three hundred and thirty-five dollars,	93,335 00
South Hadley, forty-six hundred and seventy-five dollars,	4,675 00

Southampton, seven hundred and seventy dollars, . .	\$770 00	State tax apportioned and assessed.
Southborough, four thousand and seventy dollars, . .	4,070 00	
Southbridge, ninety-nine hundred and fifty-five dol- lars,	9,955 00	
Southwick, one thousand and forty-five dollars, . .	1,045 00	
Spencer, sixty-one hundred and five dollars,	6,105 00	
Springfield, one hundred fifty-eight thousand three hundred and forty-five dollars,	158,345 00	
Sterling, sixteen hundred and fifty dollars,	1,650 00	
Stockbridge, fifty-eight hundred and eighty-five dol- lars,	5,885 00	
Stoneham, seventy-seven hundred dollars,	7,700 00	
Stoughton, fifty-five hundred dollars,	5,500 00	
Stow, thirteen hundred and seventy-five dollars, . .	1,375 00	
Sturbridge, sixteen hundred and fifty dollars, . . .	1,650 00	
Sudbury, eighteen hundred and fifteen dollars, . . .	1,815 00	
Sunderland, eight hundred and twenty-five dollars, .	825 00	
Sutton, two thousand and thirty-five dollars, . . .	2,035 00	
Swampscott, fourteen thousand nine hundred and five dollars,	14,905 00	
Swansea, twenty-five hundred and eighty-five dollars,	2,585 00	
Taunton, thirty-six thousand nine hundred and five dollars,	36,905 00	
Templeton, twenty-eight hundred and five dollars, .	2,805 00	
Tewksbury, nineteen hundred and eighty dollars, . .	1,980 00	
Tisbury, twenty-two hundred dollars,	2,200 00	
Tolland, two hundred and seventy-five dollars, . . .	275 00	
Topsfield, nineteen hundred and twenty-five dollars, .	1,925 00	
Townsend, nineteen hundred and eighty dollars, . .	1,980 00	
Truro, six hundred and five dollars,	605 00	
Tyngsborough, eight hundred and eighty dollars, . .	880 00	
Tyringham, three hundred and eighty-five dollars, .	385 00	
Upton, seventeen hundred and sixty dollars,	1,760 00	
Uxbridge, forty-four hundred and fifty-five dollars, .	4,455 00	
Wakefield, thirteen thousand seven hundred and fifty dollars,	13,750 00	
Wales, four hundred and forty dollars,	440 00	
Walpole, sixty-four hundred and thirty-five dollars, .	6,435 00	
Waltham, thirty-nine thousand seven hundred and ten dollars,	39,710 00	
Ware, seventy-nine hundred and twenty dollars, . .	7,920 00	
Wareham, sixty-nine hundred and eighty-five dollars,	6,985 00	
Warren, thirty-two hundred and forty-five dollars, .	3,245 00	
Warwick, six hundred and five dollars,	605 00	
Washington, four hundred and ninety-five dollars, .	495 00	
Watertown, twenty-one thousand three hundred and forty dollars,	21,340 00	
Wayland, thirty-five hundred and twenty dollars, . .	3,520 00	
Webster, fourteen thousand three hundred dollars, . .	14,300 00	
Wellesley, nineteen thousand nine hundred and ten dollars,	19,910 00	
Wellfleet, seventeen hundred and five dollars, . . .	1,705 00	
Wendell, three hundred and eighty-five dollars, . . .	385 00	

State tax
apportioned
and assessed.

Wenham, thirty-six hundred and thirty dollars, . . .	\$3,630 00
West Boylston, eleven hundred and fifty-five dollars, .	1,155 00
West Bridgewater, nineteen hundred and eighty dol- lars,	1,980 00
West Brookfield, fourteen hundred and thirty dollars, .	1,430 00
West Newbury, sixteen hundred and fifty dollars, . .	1,650 00
West Springfield, ten thousand three hundred and forty dollars,	10,340 00
West Stockbridge, seven hundred and seventy dollars, .	770 00
West Tisbury, eight hundred and twenty-five dollars, .	825 00
Westborough, forty-eight hundred and forty dollars, .	4,840 00
Westfield, fourteen thousand four hundred and ten dollars,	14,410 00
Westford, thirty-three hundred dollars,	3,300 00
Westhampton, three hundred and eighty-five dollars, .	385 00
Westminster, twelve hundred and sixty-five dollars, .	1,265 00
Weston, eleven thousand two hundred and seventy- five dollars,	11,275 00
Westport, twenty-eight hundred and five dollars, . .	2,805 00
Westwood, thirty-six hundred and thirty dollars, . .	3,630 00
Weymouth, twelve thousand two hundred and sixty- five dollars,	12,265 00
Whately, seven hundred and seventy dollars,	770 00
Whitman, seventy-three hundred and seventy dollars, .	7,370 00
Wilbraham, eighteen hundred and fifteen dollars, . .	1,815 00
Williamsburg, fifteen hundred and ninety-five dollars, .	1,595 00
Williamstown, five thousand and five dollars,	5,005 00
Wilmington, two thousand and ninety dollars,	2,090 00
Winchendon, sixty-one hundred and sixty dollars, . .	6,160 00
Winchester, eighteen thousand four hundred and eighty dollars,	18,480 00
Windsor, four hundred and forty dollars,	440 00
Winthrop, sixteen thousand eight hundred and thirty dollars,	16,830 00
Woburn, sixteen thousand eight hundred and eighty- five dollars,	16,885 00
Worcester, two hundred four thousand two hundred and seventy dollars,	204,270 00
Worthington, five hundred and fifty dollars,	550 00
Wrentham, eighteen hundred and fifteen dollars, . .	1,815 00
Yarmouth, thirty-two hundred and forty-five dollars, .	3,245 00

Treasurer to
issue warrant.

SECTION 2. The treasurer of the commonwealth shall forthwith send his warrant, directed to the selectmen or assessors of each city and town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of section thirty-four of Part I of chapter four hundred and ninety of the acts of the year nineteen hundred and nine, and to add the amount of such tax to the amount of city, town and county taxes to be assessed by them respectively on each city and town.

SECTION 3. The treasurer of the commonwealth in his warrant shall require the said selectmen or assessors to pay, or issue severally their warrant or warrants requiring the treasurers of their several cities or towns to pay to the treasurer of the commonwealth, on or before the fifteenth day of November in the year nineteen hundred and eleven, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the treasurer of the commonwealth at some time before the first day of September in the year nineteen hundred and eleven.

Payment of
assessments.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the commonwealth within the time specified, then the said treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the commonwealth, in addition to the tax, such further sum as would be equal to one per cent per month during such delinquency from and after the fifteenth day of November in the year nineteen hundred and eleven; and if the same remains unpaid after the first day of December in the year nineteen hundred and eleven, an information may be filed by the treasurer of the commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town to enforce the payment of said taxes under such penalties as said court or the justice thereof before whom the hearing is had shall order.

Notice to
treasurer of
delinquent
cities and
towns.

SECTION 5. This act shall take effect upon its passage.

Approved July 28, 1911.

AN ACT RELATIVE TO THE BRIDGE OVER WEYMOUTH FORE RIVER. *Chap. 753*

Be it enacted, etc., as follows:

SECTION 1. The county commissioners and trustees authorized and directed by the provisions of chapter two hundred and thirty of the acts of the year nineteen hundred and eleven, to make certain repairs and alterations in the bridge over Weymouth Fore river, are hereby further authorized to make such changes in the grade of said bridge

Repairs and
alterations
in the bridge
over Weymouth
Fore river.

and the approaches thereto as may be necessary to cause the same to conform to the grade of the draw in said bridge when widened in accordance with the provisions of said chapter two hundred and thirty. The provisions of law relative to the assessment and recovery of damages caused by the change of grade of highways shall apply to such changes in grade as may be made under the authority of this act.

SECTION 2. This act shall take effect upon its passage.

Approved July 28, 1911.

Chap.754 AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE NEW HOSPITAL FOR DIPSOMANIACS.

Be it enacted, etc., as follows:

Appropriation,
new hospital
for dip-
somaniaes.

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the care and maintenance of the new hospital for dipsomaniacs in the towns of Norfolk and Walpole during the present year.

SECTION 2. This act shall take effect upon its passage.

Approved July 28, 1911.

Chap.755 AN ACT TO INCREASE THE POWERS OF THE BOARD OF RAILROAD COMMISSIONERS.

Be it enacted, etc., as follows:

To increase
the powers of
the board of
railroad com-
missioners.

SECTION 1. Whenever the board of railroad commissioners, hereinafter called the board, shall be of opinion, after a hearing had upon its own motion or upon complaint, that the rates, fares or charges or any of them, demanded, exacted, charged or collected by any person, firm, association, company or corporation now or hereafter subject to its jurisdiction, and hereinafter called a carrier, for the transportation of persons or property within the commonwealth, or the regulations or practices of such carrier affecting such rates, are unjust, unreasonable, unjustly discriminatory or unduly preferential or in any wise in violation of any provision of law, or that the rates, fares or charges or any of them chargeable by any such carrier are insufficient to yield reasonable compensation for the service rendered, and are unjust and unreasonable, the board, with due regard among other things to a reasonable

return upon the value of the carrier's property, shall determine the just and reasonable rates, fares and charges to be charged for the service to be performed, and shall recommend the same by order to be served upon such carrier.

SECTION 2. Whenever the board shall be of opinion, after a hearing had upon its own motion or upon complaint, that the regulations, practices, equipment, appliances or service of any such carrier in respect to transportation of persons or property within the commonwealth are unjust, unreasonable, unsafe, improper or inadequate, the board shall determine the just, reasonable, safe, adequate and proper regulations, practices, equipment, appliances and service thereafter to be in force, to be observed and to be used in such transportation of persons and property, and shall recommend the same by order to be served upon such carrier.

To order reasonable regulations concerning the just and adequate facilities for transportation, etc.

SECTION 3. Rates and facilities fixed and determined by statute shall not be revised or regulated by the board.

Rates and facilities.

SECTION 4. The board shall have all powers necessary or proper to enable it to carry out the provisions of this act. It shall have authority to employ such experts and other assistants as it shall deem wise in examining into the rates, facilities and financial condition of any carrier. It may expend not more than five thousand dollars annually for the salary and expenses of an accountant, and may expend such further sums each year as are appropriated by the legislature.

Powers of the board, etc.

SECTION 5. The attorney-general, either in person or by one of his assistants, shall not only advise the board and act as its counsel upon its request, but shall also appear before the board in any matter, either upon his own motion or at the request of any individual, when in the opinion of the attorney-general or of the board the interests of the commonwealth or the public demand.

The attorney-general to advise the board.

SECTION 6. Any investigation, inquiry or hearing which the board has power to undertake or to hold may be undertaken or held by or before any commissioner, and decisions of the board and every order made by a commissioner, when approved and confirmed by the board and ordered filed in its office, shall be and be deemed to be the order of the board. Every order of the board shall continue in force unless the same shall be limited, suspended, modified or set aside by the board or shall be suspended or set aside by any court of competent jurisdiction.

Investigation and inquiry.

The powers of
the board not
limited.

SECTION 7. Nothing in this act shall be construed as limiting the powers of the board to act under section nine of Part I of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six.

SECTION 8. This act shall take effect upon its passage.

Approved July 28, 1911.

Chap. 756 AN ACT IN FURTHER ADDITION TO THE SEVERAL ACTS MAKING
SUNDRY MISCELLANEOUS APPROPRIATIONS AUTHORIZED DURING THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, unless hereinafter otherwise provided, for the purposes specified, to wit:—

Dredging a
channel in
Plymouth
harbor.

For expenses in connection with dredging a channel in Plymouth harbor, and for dredging a basin for turning vessels at the inner end of the same, as authorized by chapter five hundred and thirty-one of the acts of the year nineteen hundred and seven, a sum not exceeding eleven hundred sixty-nine dollars and fifty-five cents, the same to be in addition to any amount heretofore appropriated for this purpose.

Neponset
river.

For the protection of the public health in the valley of the Neponset river, as authorized by section five of chapter six hundred and fifty-five of the acts of the present year, a sum not exceeding seventy-five thousand dollars.

Retiring, etc.,
prison officers.

For the expenses of retiring and pensioning prison officers and instructors, as authorized by chapter six hundred and seventy-three of the acts of the present year, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore authorized for the same purpose.

Prevention
of forest fires.

To provide for the better prevention of forest fires, as authorized by chapter seven hundred and twenty-two of the acts of the present year, a sum not exceeding ten thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose.

Compensation
of a
certain legisla-
tive committee.

For compensation of the members of the committee appointed in the year nineteen hundred and ten to investigate the suicide of John Newman and the treatment of the inmates at the Lyman school for boys, as authorized by chapter one hundred and thirty-two of the resolves of

the present year, a sum not exceeding twenty-one hundred dollars, the same to be in addition to any amount heretofore appropriated for legislative committee expenses.

To provide a pension for Salem P. Haddock, as authorized by chapter one hundred and thirty-three of the resolves of the present year, a sum not exceeding nine hundred thirty-five dollars and seventy-five cents, to be paid from the Metropolitan Parks Maintenance Fund.

Salem P.
Haddock.

For the widow of Henry E. Turner, the balance of the salary to which he would have been entitled had he continued in office to the end of the term for which he was elected, the sum of twenty-seven hundred twenty-eight dollars and fifty cents.

Widow of
Henry E.
Turner.

For the investigation by the metropolitan park commission as to the advisability and cost of a parkway connection between Winthrop parkway in the town of Revere and Winthrop shore reservation in the town of Winthrop, as authorized by chapter one hundred and thirty-five of the resolves of the present year, a sum not exceeding two hundred and fifty dollars, to be paid from the Metropolitan Parks Maintenance Fund.

Parkway
in Winthrop
and Revere.

For an additional water supply at the Lakeville state sanatorium, as authorized by chapter one hundred and thirty-six of the resolves of the present year, a sum not exceeding three thousand dollars.

Lakeville
sanatorium.

For certain improvements at the Monson state hospital, as authorized by chapter one hundred and thirty-seven of the resolves of the present year, a sum not exceeding eighteen thousand dollars.

Monson state
hospital.

For certain improvements at the Westfield state sanatorium, as authorized by chapter one hundred and thirty-eight of the resolves of the present year, a sum not exceeding thirty-eight dollars.

Westfield
sanatorium.

To provide for certain improvements at the state prison, as authorized by chapter one hundred and thirty-nine of the resolves of the present year, a sum not exceeding five thousand dollars, the same to be paid from the State Prison Industries Fund.

State prison.

For certain improvements at the industrial school for boys, as authorized by chapter one hundred and forty of the resolves of the present year, a sum not exceeding thirty-four thousand four hundred and fifty dollars.

Industrial
school for
boys.

For the investigation by the director of the bureau of statistics relative to the indebtedness of cities and towns,

Director,
bureau of
statistics.

as authorized by chapter one hundred and forty-two of the resolves of the present year, a sum not exceeding five thousand dollars.

Prison commission.

For the expenses of the prison commission in making a report to the next general court of a plan relative to prison industries, as authorized by chapter one hundred and forty-three of the resolves of the present year, a sum not exceeding five hundred dollars.

American Land and Irrigation Exposition.

To provide for a representation of the commonwealth at the American Land and Irrigation Exposition, by the state board of agriculture, as authorized by chapter one hundred and forty-four of the resolves of the present year, a sum not exceeding one thousand dollars.

Penikese hospital.

For certain improvements at Penikese hospital, as authorized by chapter one hundred and forty-five of the resolves of the present year, a sum not exceeding thirty-three hundred and fifty dollars.

Engineering expenses.

For expenses of the commission to investigate the engineering expenses of the commonwealth, as authorized by chapter one hundred and forty-six of the resolves of the present year, a sum not exceeding one thousand dollars.

State infirmary.

For certain improvements at the state infirmary, as authorized by chapter one hundred and forty-seven of the resolves of the present year, a sum not exceeding thirty-four thousand seven hundred dollars.

Massachusetts hospital school.

For certain improvements at the Massachusetts hospital school, as authorized by chapter one hundred and forty-eight of the resolves of the present year, a sum not exceeding twenty-six thousand dollars.

Worcester state asylum.

For certain improvements at the Worcester state asylum, as authorized by chapter one hundred and forty-nine of the resolves of the present year, a sum not exceeding eighty-eight thousand four hundred dollars.

Worcester state hospital.

For certain improvements at the Worcester state hospital, as authorized by chapter one hundred and fifty of the resolves of the present year, a sum not exceeding twelve thousand one hundred dollars.

Bridge over Weymouth Back river.

For the commonwealth's portion of the expense of the new bridge over Weymouth Back river, in the town of Weymouth and the town of Hingham, as authorized by chapter seven hundred and thirty-nine of the acts of the present year, a sum not exceeding thirty-six thousand dollars.

Justices of supreme judicial and superior court, etc.

For the salaries of the justices of the supreme judicial court, as authorized by chapter seven hundred and forty-

three of the acts of the present year, a sum not exceeding fifty-one hundred dollars; and for the salaries of the justices of the superior court, as authorized by the last mentioned act, a sum not exceeding fourteen thousand seven hundred dollars. These two sums to be in addition to any amounts heretofore authorized for the same purposes.

For the salary of a watchman at the state arsenal, as authorized by chapter seven hundred and forty-seven of the acts of the present year, a sum not exceeding two hundred and fifty dollars.

Watchman,
state arsenal.

For preliminary plans, specifications and estimates provided for by the acts relative to the construction and improvement of buildings at state and other institutions, a sum not exceeding ten thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Improvement
of buildings
at state
institutions,
etc.

To provide for the improvement of a highway in the counties of Berkshire and Hampshire, as authorized by chapter seven hundred and eleven of the acts of the present year, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for the maintenance of state highways.

Highway in
counties of
Berkshire and
Hampshire.

For salaries and other necessary expenses in the office of the supervisor of loan agencies, as authorized by chapter seven hundred and twenty-seven of the acts of the present year, a sum not exceeding two thousand dollars.

Supervisor
of loan
agencies.

To provide for a system of sewerage at the Wrentham state school, as authorized by chapter one hundred and fifty-two of the resolves of the present year, a sum not exceeding thirteen thousand dollars.

Wrentham
state school.

To provide for printing additional copies of the report of the commission appointed to investigate the question of the increase of criminals, mental defectives, epileptics, degenerates and allied classes, as authorized by chapter one hundred and fifty-three of the resolves of the present year, a sum not exceeding one hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Increase of
criminals, etc.

To provide for the preparation and printing of an annotated edition of the insurance laws, as authorized by chapter one hundred and fifty-four of the resolves of the present year, a sum not exceeding seven hundred dollars.

Insurance
laws.

For salaries and expenses of three additional inspectors to be appointed by the board of railroad commissioners,

Railroad
inspectors.

as authorized by chapter six hundred and eighty-one of the acts of the present year, a sum not exceeding twenty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Report,
railroad
com-
missioners.

For printing the report of the board of railroad commissioners, a sum not exceeding two hundred seven dollars and fifty-five cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

Travel of
members of
the house, etc.

For travel of the members of the house of representatives, as authorized by chapter one hundred and fifty-five of the resolves of the present year, a sum not exceeding sixty-eight hundred seventy-five dollars and twenty cents; for travel of the members of the senate, as authorized by the same resolve, a sum not exceeding eleven hundred and eight dollars, both amounts to be in addition to any amounts heretofore appropriated for these purposes.

Northampton
state hospital.

For improvements at the Northampton state hospital, as authorized by chapter one hundred and fifty-six of the resolves of the present year, a sum not exceeding forty-six thousand nine hundred and twenty-five dollars.

Bridge, etc.,
on the Quincy
shore reserva-
tion.

To provide for the construction of a bridge and approaches thereto to carry the driveway of the Quincy shore reservation over the tracks of the New York, New Haven and Hartford Railroad Company, as authorized by chapter one hundred and fifty-seven of the resolves of the present year, a sum not exceeding twenty thousand dollars, to be paid out of the Metropolitan Parks Maintenance Fund.

Redistricting
committee.

For legislative committee expenses, to provide for the expenses of the special recess committee on redistricting the state into congressional districts, a sum not exceeding fifteen thousand dollars, the same to be in addition to any amounts heretofore appropriated for the same purpose.

Penikese
hospital.

To complete the remodeling of the buildings at the leper hospital on Penikese island, as provided for by chapter one hundred and thirty of the resolves of the year nineteen hundred and nine, a sum not exceeding five hundred seventy-three dollars and ninety-six cents.

Westborough
state hospital.

To provide for certain expenses at the Westborough state hospital incurred in the year nineteen hundred and nine, a sum not exceeding one hundred thirty-three dollars and forty-seven cents.

Workingmen's
compensation.

To provide for the salaries and expenses of the board to be appointed to supervise the payments to employees for personal injuries received in the course of their em-

ployment, as authorized by chapter seven hundred and fifty-one of the acts of the present year, a sum not exceeding eleven thousand dollars.

For the salaries and expenses of the directors of the port of Boston, as authorized by chapter seven hundred and forty-eight of the acts of the present year, a sum not exceeding twenty-five thousand dollars.

Directors of the
port of Boston.

For the salary of the accountant of the board of railroad commissioners, as authorized by chapter seven hundred and fifty-five of the acts of the present year, a sum not exceeding nine hundred dollars; and for expenses of experts employed by said board, as authorized by the same act, a sum not exceeding ten thousand dollars, both amounts to be in addition to any amounts heretofore appropriated for the purpose, and to be paid out of the Railroad Commissioners' Fund.

Accountant of
railroad com-
missioners.

For expenses of an investigation by the tax commissioner of the taxation of foreign corporations, as authorized by chapter one hundred and fifty-eight of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

Investigation
by the tax
com-
missioner.

SECTION 2. This act shall take effect upon its passage.

Approved July 28, 1911.

RESOLVES.

RESOLVE RELATIVE TO EXPENDITURES BY HEADS OF DEPARTMENTS AND OTHER OFFICIALS OF THE COMMONWEALTH. *Chap. 1*

Resolved, That the heads of departments and other officials having supervision or charge of expenditures in behalf of the commonwealth for which no appropriations have been made are hereby authorized to continue the said departments and expenditures until appropriations are made therefor, or until the pleasure of the present general court in respect thereto is otherwise made known.

Expenditures
by heads of
departments,
etc.

Approved January 31, 1911.

RESOLVE EXTENDING THE TIME FOR THE FILING OF THE REPORT OF THE COMMISSION APPOINTED TO INVESTIGATE EMPLOYMENT AGENCIES AND INTELLIGENCE OFFICES. *Chap. 2*

Resolved, That the time for the filing of the report of the commission appointed, pursuant to the provisions of chapter one hundred and forty-six of the resolves of the year nineteen hundred and ten, to investigate and study the condition and management of employment agencies and intelligence offices of all kinds, is hereby extended until the second Wednesday of March in the year nineteen hundred and eleven.

Time ex-
tended for
filing certain
report.

Approved January 31, 1911.

RESOLVE TO CONFIRM CERTAIN ACTS OF JOHN G. BRACKETT AS A JUSTICE OF THE PEACE. *Chap. 3*

Resolved, That the acts of John G. Brackett as a justice of the peace, between the fourth day and the sixteenth day of November in the year nineteen hundred and ten, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office.

Acts of
John G.
Brackett,
justice of the
peace, con-
firmed.

Approved January 31, 1911.

Chap. 4 RESOLVE TO CONFIRM THE ACTS OF HENRY WHEELER AS A JUSTICE OF THE PEACE.

Acts of
Henry Wheeler,
justice of the
peace, con-
firmed.

Resolved, That the acts of Henry Wheeler as a justice of the peace, between the twenty-sixth day of May and the second day of November in the year nineteen hundred and ten, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office.

Approved February 9, 1911.

Chap. 5 RESOLVE RELATIVE TO THE OBSERVANCE OF FLAG DAY.

Observance of
flag day.

Resolved, That the governor shall annually set apart the fourteenth day of June as Flag Day, that date being the anniversary of the adoption of the national flag by the continental congress in the year seventeen hundred and seventy-seven; and shall issue his proclamation recommending that the day be observed by the people of the commonwealth in the display of the flag and in such other ways as will be in harmony with the general character of the day.

Approved February 9, 1911.

Chap. 6 RESOLVE IN FAVOR OF EDWARD W. BREWER.

Edward W.
Brewer.

Resolved, That there be allowed and paid out of the Motor Vehicle Fees Fund, to Edward W. Brewer, clerk of the municipal court of the West Roxbury district of the city of Boston, the sum of one hundred and eighty-five dollars, being the amount of an over-payment to the commonwealth made by him as such clerk under the provisions of chapter five hundred and thirty-four of the acts of the year nineteen hundred and nine.

Approved February 15, 1911.

Chap. 7 RESOLVE TO AUTHORIZE THE PRINTING OF ADDITIONAL COPIES OF THE TENTH REPORT OF THE COMMISSIONER OF PUBLIC RECORDS.

Report of
commissioner
of public
records.

Resolved, That two hundred copies of the tenth report, for the year eighteen hundred and ninety-seven, of the commissioner of public records may be printed from the stereotype plates in the hands of the state printers, the expense to be paid out of the annual appropriation for the office of the commissioner. *Approved February 15, 1911.*

RESOLVE IN FAVOR OF THE MERCHANTS CLUB OF BOSTON. *Chap. 8*

Resolved, That there be allowed and paid out of the treasury of the commonwealth to the Merchants Club of Boston, Frank H. Ricker, treasurer, the sum of seventy-five dollars, which sum was received by the state as its share of the fee for a license to sell intoxicating liquors issued to the Merchants Club of Boston. Said fee, by mistake, was paid twice by the said Ricker as treasurer of the said club. The said sum shall be taken from the amount received in the state treasury from the fees for liquor licenses.

Merchants
Club of Boston.

Approved February 24, 1911.

RESOLVE TO CONFIRM THE ACTS OF AUGUSTUS HOLZMAN AS
A NOTARY PUBLIC. *Chap. 9*

Resolved, That the acts of Augustus Holzman as a notary public, between the twenty-ninth day of October and the fifteenth day of December in the year nineteen hundred and nine, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office.

Acts of
Augustus
Holzman,
notary public,
confirmed.

Approved March 1, 1911.

RESOLVE TO EXTEND THE TIME WITHIN WHICH THE COMMISSION APPOINTED TO INVESTIGATE THE INSPECTION OF
FACTORIES, WORKSHOPS, MERCANTILE ESTABLISHMENTS
AND OTHER BUILDINGS SHALL REPORT. *Chap. 10*

Resolved, That the time within which the commission appointed under chapter fifty-six of the resolves of the year nineteen hundred and ten to investigate the general subject of the inspection of factories, workshops, mercantile establishments and other buildings is required to report, is hereby extended to the second Wednesday in February; and the commission may expend in the employment of experts, clerical assistance and for other necessary expenses, and for printing its report, a sum not exceeding twelve hundred dollars, in addition to the amount authorized by said chapter.

Time ex-
tended for
making report
by a certain
commission.

Approved March 1, 1911.

- Chap. 11** RESOLVE TO PROVIDE FOR THE ERECTION OF A BRONZE TABLET ON THE SITE OF THE MYLES GARRISON HOUSE IN THE TOWN OF SWANSEA.

Bronze tablet
on the site
of the Myles
Garrison house.

Resolved, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding six hundred dollars, for the purpose of placing a suitable bronze tablet on the site of the Myles Garrison house in the town of Swansea, to be expended by the commission appointed under authority of chapter ninety-five of the resolves of the year nineteen hundred and ten, with the approval of the governor and council.

Approved March 1, 1911.

- Chap. 12** RESOLVE TO PROVIDE FOR THE PUBLICATION OF A REPORT ON RETIREMENT SYSTEMS FOR CERTAIN PUBLIC EMPLOYEES.

Retirement
systems of
public employ-
ees, publica-
tion of report
on.

Resolved, That one thousand copies of the report made by the director of the bureau of statistics, pursuant to chapter one hundred and sixty of the resolves of the year nineteen hundred and ten, as to the cost to the commonwealth and to the counties therein, of the establishment of retirement systems for employees, be printed for distribution by the said bureau.

Approved March 4, 1911.

- Chap. 13** RESOLVE TO AUTHORIZE THE STATE BOARD OF AGRICULTURE TO REPRINT ITS PUBLICATION RELATING TO THE AGRICULTURAL RESOURCES OF MASSACHUSETTS.

Printing of
report on
agricultural
resources, etc.

Resolved, That the state board of agriculture is hereby authorized to reprint ten thousand copies of its publication entitled "Massachusetts: agricultural resources, advantages and opportunities, with a list of farms for sale"; and for this purpose there may be allowed and paid out of the treasury of the commonwealth a sum not exceeding fifteen hundred dollars.

Approved March 4, 1911.

- Chap. 14** RESOLVE TO PROVIDE FOR SUITABLE FIRE PROTECTION AT THE STATE NORMAL SCHOOL AT FITCHBURG.

Fitchburg
normal school.

Resolved, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding two thousand dollars, to be expended under the direction of the board of education in providing suitable fire protection in the dormitory and other buildings of the state normal school at Fitchburg.

Approved March 9, 1911.

RESOLVE IN FAVOR OF THE NEW ENGLAND INDUSTRIAL SCHOOL *Chap. 15*
FOR DEAF MUTES.

Resolved, That there be allowed and paid out of the treasury of the commonwealth to the New England Industrial School for Deaf Mutes the sum of thirty-five hundred dollars, the same to be paid, upon the approval of the board of education, to the trustees of said school and to be expended under their direction, for the educational purposes of the school for the year nineteen hundred and eleven. The trustees shall report to the board of education the expenditures made under authority of this resolve.

New England
Industrial
School for
Deaf Mutes.

Approved March 9, 1911.

RESOLVE IN FAVOR OF WILLIAM H. LAWRENCE.

Chap. 16

Resolved, That there be allowed and paid out of the treasury of the commonwealth an annuity of five hundred dollars, for the term of four years, to William H. Lawrence of Concord, as compensation for injuries received by him on September eleventh, nineteen hundred and nine, while engaged in shoeing a horse owned by the commonwealth, the annuity to begin on the first day of January, nineteen hundred and eleven, and to be paid in equal quarterly instalments.

William H.
Lawrence.

Approved March 13, 1911.

RESOLVE TO AUTHORIZE THE PURCHASE OF THE CARD CATALOGUE OF THE GENERAL COURT OF MASSACHUSETTS PREPARED BY THE LATE CALEB B. TILLINGHAST. *Chap. 17*

Resolved, That the trustees of the state library be authorized to purchase for the commonwealth at an expense not exceeding five thousand dollars, the card catalogue of the general court of Massachusetts prepared by the late Caleb B. Tillinghast.

Catalogue of
the general
court.

Approved March 15, 1911.

RESOLVE RELATIVE TO THE ESTATE OF SARAH JANE WILLIAMS, *Chap. 18*
DECEASED.

Resolved, That any claim which the commonwealth may have by escheat to a sum of one thousand dollars, with its accumulations, deposited in the Boston Penny Savings Bank on or about January fifth, nineteen hundred and seven, by Sarah Jane Williams, now deceased, in trust for Mount Holyoke College, is hereby released to and in favor of Mount Holyoke College, the beneficiary so designated; and the ad-

Sarah Jane
Williams.

ministrator of said deceased is authorized to proceed accordingly, and the courts having jurisdiction on the matter are authorized to make any order or decree necessary or proper to carry this release into effect.

Approved March 17, 1911.

Chap. 19 RESOLVE TO PROVIDE FOR THE PREPARATION OF A RECORD OF THE SOLDIERS, SAILORS AND MARINES WHO SERVED IN THE SPANISH-AMERICAN WAR.

Record of soldiers, etc., in the Spanish-American war.

Resolved, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding one thousand dollars, to be expended under the direction of the adjutant general, for the purpose of preparing and completing a record of the soldiers, sailors and marine corps who served in the Spanish-American war from April twenty-second, eighteen hundred and ninety-eight, to April second, eighteen hundred and ninety-nine. The record shall state the name, residence, date of enrollment, rank, promotion, wounds, date of death or discharge, and such other information as the adjutant general may deem necessary to complete a military record.

Approved March 17, 1911.

Chap. 20 RESOLVE TO CONFIRM THE ACTS OF WALTER W. CLARK AS A NOTARY PUBLIC.

Acts of Walter W. Clark, notary public, confirmed.

Resolved, That the acts of Walter W. Clark of Worcester as a notary public, between the thirtieth day of September in the year nineteen hundred and ten and the first day of February in the year nineteen hundred and eleven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office.

Approved March 17, 1911.

Chap. 21 RESOLVE RELATIVE TO A MEMORIAL TO THE ARMY NURSES OF THE CIVIL WAR.

Memorial to army nurses.

Resolved, That the memorial to the army nurses of the civil war, by Bela L. Pratt, sculptor, proposed to be presented to the commonwealth by the Army Nurses Memorial Association of the Massachusetts Department, Daughters of Veterans, be and hereby is accepted, to be placed in the state house at the easterly side of the senate staircase, so-called; said memorial having already been approved by the art commission of the commonwealth.

Approved March 17, 1911.

RESOLVE TO CONFIRM THE ACTS OF JOHN B. CORNISH, JUNIOR, *Chap. 22*
AS A JUSTICE OF THE PEACE.

Resolved, That the acts of John B. Cornish, Junior, as Acts of John B. Cornish, Jr., justice of the peace, confirmed.
a justice of the peace, between the third day of September, nineteen hundred and three, and the ninth day of February, nineteen hundred and eleven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office.

Approved March 22, 1911.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF *Chap. 23*
MIDDLESEX.

Resolved, That the following sums are hereby appropriated County tax, Middlesex.
for the expenses of the county of Middlesex for the year nineteen hundred and eleven: —

For interest on county debt, a sum not exceeding thirty-two thousand dollars.

For reduction of county debt, a sum not exceeding fifty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirty-nine thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding seventy-two thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding ninety-eight thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding one hundred and fifty thousand dollars.

For criminal costs in the superior court, a sum not exceeding sixty thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding eighty-two thousand dollars.

For trial justices, a sum not exceeding three thousand five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding one thousand dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding seventeen thousand dollars.

For auditors, masters and referees, a sum not exceeding eleven thousand dollars.

County tax,
Middlesex.

For repairing, furnishing and improving county buildings, a sum not exceeding thirty-five thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding sixty-two thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding forty-five thousand dollars.

For law libraries, a sum not exceeding seven thousand dollars.

For training schools, a sum not exceeding thirty-three thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding six thousand five hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of six hundred and six thousand three hundred eleven dollars and twenty-five cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes. *Approved March 25, 1911.*

Chap. 24 RESOLVE RELATIVE TO THE SEGREGATION AND TREATMENT OF PRISONERS AFFLICTED WITH EPILEPSY AND OTHER NERVOUS DISEASES.

Treatment,
etc., of
prisoners
afflicted with
epilepsy, etc.

Resolved, That the prison commissioners are hereby authorized and directed to ascertain the number of persons in the state and county prisons who are afflicted with epilepsy and other nervous diseases, and to make an examination as to the best methods for the segregation and treatment of such persons. The said commissioners may expend a sum not exceeding three hundred dollars for the purpose of this resolve, and shall report to the general court, on or before the third Wednesday in January, nineteen hundred and twelve, the result of their investigation with their recommendations thereon. *Approved March 25, 1911.*

Chap. 25 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF PLYMOUTH.

County tax,
Plymouth.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Plymouth for the year nineteen hundred and eleven: —

For interest on county debt, a sum not exceeding ten thousand three hundred dollars.

For reduction of county debt, a sum not exceeding twenty-nine thousand three hundred thirty-nine dollars and ninety cents. County tax,
Plymouth.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirteen thousand six hundred dollars.

For clerical assistance in county offices, a sum not exceeding seven thousand six hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-three thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twenty-five thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-eight thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twelve thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding four hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding four thousand dollars.

For auditors, masters and referees, a sum not exceeding one thousand dollars.

For building county buildings, a sum not exceeding two thousand five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding four thousand five hundred dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding four thousand five hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding nine thousand dollars.

For training schools, a sum not exceeding two thousand seven hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand two hundred sixty-seven dollars and two cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and fifty-five thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved March 25, 1911.

Chap. 26 RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO CONSIDER IN WHAT MANNER THE COMMONWEALTH MAY BEST CO-OPERATE WITH OTHER STATES AND WITH THE FEDERAL GOVERNMENT IN THE DEVELOPMENT OF INLAND WATERWAYS.

Development
of inland
waterways.

Resolved, That the governor, with the advice and consent of the council, shall within thirty days after the passage of this resolve, appoint a commission consisting of seven persons, citizens of the commonwealth, one of whom he shall designate as chairman, to consider in what manner the commonwealth may best co-operate with the federal government in the construction of a ship canal across the state, open and free to the commerce of the world, without tolls or charges for the passage of freight therein, as now being surveyed by the engineers of the United States war department under the provisions of section thirteen of the rivers and harbors act, approved March third, nineteen hundred and nine; the same being a link of the proposed intra-coastal waterway between Boston and the Rio Grande in Texas, and in harmony with the plan advocated by the Atlantic Deeper Waterways Association; to consider how best the commonwealth may co-operate with other states along the Atlantic seaboard, more especially Rhode Island, in the development of these inland waterways; and to consider the value of such a canal to the state and its inhabitants in the development of industries, the reduction in the cost of handling raw material and manufactured products, or otherwise, and the benefit to transportation generally along the Atlantic coast. The commission shall serve without pay, and it shall report in print to the general court on or before the first day of May, nineteen hundred and eleven.

Report.

Approved March 28, 1911.

Chap. 27 RESOLVE IN FAVOR OF THE ESTATE OF LENDALL P. CAZEAUX.

Lendall P.
Cazeaux.

Resolved, That there be allowed and paid out of the treasury of the commonwealth to Laurence Minot, administrator with the will annexed of the estate not already administered of Lendall P. Cazeaux, late of Melrose, the sum of twenty-eight hundred seventeen dollars and thirty-one cents as repayment of that part of the sum paid as a collateral legacy tax to the commonwealth by the executor of said estate, in the year nineteen hundred and six, which was erroneously assessed upon said estate. *Approved March 28, 1911.*

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF *Chap. 28*
BARNSTABLE.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Barnstable for the year nineteen hundred and eleven:—

County tax,
Barnstable.

For interest on county debt, a sum not exceeding one thousand five hundred dollars.

For reduction of county debt, a sum not exceeding two thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding six thousand dollars.

For clerical assistance in county offices, a sum not exceeding one thousand seven hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding five thousand five hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding five thousand five hundred dollars.

For criminal costs in the superior court, a sum not exceeding three thousand five hundred dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding two thousand five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding four hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand dollars.

For auditors, masters and referees, a sum not exceeding five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding four thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding two thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding seventeen thousand five hundred dollars.

For truant schools, a sum not exceeding one hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding three hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the

current year, in the manner provided by law, the sum of forty-five thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes. *Approved March 28, 1911.*

Chap. 29 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BERKSHIRE.

County tax,
Berkshire.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Berkshire for the year nineteen hundred and eleven:—

For interest on county debt, a sum not exceeding four thousand dollars.

For reduction of county debt, a sum not exceeding ten thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirteen thousand dollars.

For clerical assistance in county offices, a sum not exceeding five thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-three thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirty thousand dollars.

For criminal costs in the superior court, a sum not exceeding seven thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding seven thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding two hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding three thousand two hundred dollars.

For auditors, masters and referees, a sum not exceeding two thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding seven thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding six thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding twenty-five thousand dollars.

For law libraries, a sum not exceeding one thousand dollars.

For truant schools, a sum not exceeding two thousand five hundred dollars. County tax, Berkshire.

For miscellaneous and contingent expenses of the current year, a sum not exceeding two thousand dollars.

For the care and maintenance of the Greylock state reservation, a sum not exceeding two thousand five hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and twenty-four thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved March 28, 1911.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF *Chap. 30*
BRISTOL.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Bristol for the year nineteen hundred and eleven: — County tax, Bristol.

For interest on county debt, a sum not exceeding fifty-two thousand two hundred dollars.

For reduction of county debt, a sum not exceeding forty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-five thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding sixteen thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding thirty-seven thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding ninety-three thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-two thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-one thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding seven hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding seven thousand five hundred dollars.

County tax,
Bristol.

For auditors, masters and referees, a sum not exceeding one thousand five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding fifteen thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding thirty-one thousand five hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding thirteen thousand dollars.

For law libraries, a sum not exceeding five thousand dollars.

For training school, a sum not exceeding eight thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred and forty-two thousand four hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved March 28, 1911.

Chap. 31 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF DUKES COUNTY.

County tax,
Dukes County.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Dukes County for the year nineteen hundred and eleven: —

For interest on county debt, a sum not exceeding fifty dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding two thousand two hundred dollars.

For clerical assistance in county offices, a sum not exceeding two hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding nine hundred and fifty dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding six hundred dollars.

For criminal costs in the superior court, a sum not exceeding five hundred dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding nine hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding fifty dollars. County tax,
Dukes County.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two hundred dollars.

For auditors, masters and referees, a sum not exceeding two hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding five hundred and fifty dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding seven hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding two thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding eight hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of eight thousand four hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved March 28, 1911.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF ESSEX. *Chap. 32*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Essex for the year nineteen hundred and eleven:— County tax,
Essex.

For interest on county debt, a sum not exceeding fifty-seven thousand dollars.

For reduction of county debt, a sum not exceeding one hundred and seventeen thousand eight hundred dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirty-seven thousand dollars.

For clerical assistance in county offices, a sum not exceeding thirty-one thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding sixty-five thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding sixty-five thousand dollars.

For criminal costs in the superior court, a sum not exceeding forty-four thousand dollars.

County tax,
Essex.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding thirty-three thousand dollars.

For trial justices, a sum not exceeding eight thousand five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding one thousand dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding eleven thousand dollars.

For auditors, masters and referees, a sum not exceeding five thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding fifteen thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding thirty-five thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding eighty-five thousand five hundred dollars.

For law libraries, a sum not exceeding eight thousand dollars.

For truant schools, a sum not exceeding thirty-one thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand nine hundred eighty-four dollars and thirteen cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of five hundred and fifty-four thousand five hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved March 28, 1911.

Chap. 33 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF FRANKLIN.

County tax,
Franklin.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Franklin for the year nineteen hundred and eleven: —

For interest on county debt, a sum not exceeding nine hundred dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding seven thousand two hundred dollars.

For clerical assistance in county offices, a sum not exceeding two thousand six hundred dollars. County tax, Franklin.

For salaries and expenses of district and police courts, a sum not exceeding eight thousand seven hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twelve thousand dollars.

For criminal costs in the superior court, a sum not exceeding three thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding six thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding two hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand two hundred dollars.

For auditors, masters and referees, a sum not exceeding five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding one thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding three thousand five hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding thirteen thousand dollars.

For law libraries, a sum not exceeding one thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding two thousand one hundred fifteen dollars and thirty-two cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of fifty-five thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes. *Approved March 28, 1911.*

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF *Chap. 34*
HAMPDEN.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Hampden for the year nineteen hundred and eleven: — County tax, Hampden.

For interest on county debt, a sum not exceeding seventeen thousand dollars.

County tax,
Hampden.

For reduction of county debt, a sum not exceeding twenty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty thousand dollars.

For clerical assistance in county offices, a sum not exceeding eleven thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-eight thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirty-six thousand five hundred dollars.

For criminal costs in the superior court, a sum not exceeding ten thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding thirteen thousand dollars.

For trial justices, a sum not exceeding five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding five hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding six thousand dollars.

For auditors, masters and referees, a sum not exceeding two thousand dollars.

For building county buildings, a sum not exceeding six thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding twenty-five thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding seventeen thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding fifteen thousand dollars.

For law libraries, a sum not exceeding two thousand five hundred dollars.

For training school, a sum not exceeding seven thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand four hundred and fifty dollars.

For the care and maintenance of the Mount Tom state reservation, a sum not exceeding four thousand two hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the

current year, in the manner provided by law, the sum of two hundred and eight thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved March 28, 1911.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF NORFOLK. *Chap. 35*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Norfolk for the year nineteen hundred and eleven: — County tax,
Norfolk.

For interest on county debt, a sum not exceeding twelve thousand five hundred dollars.

For reduction of county debt, a sum not exceeding twenty-eight thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding nineteen thousand dollars.

For clerical assistance in county offices, a sum not exceeding twenty-five thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding thirty-eight thousand five hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirty-seven thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-two thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding six hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding six thousand dollars.

For auditors, masters and referees, a sum not exceeding four thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding twelve thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty-seven thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding twenty-five thousand dollars.

County tax,
Norfolk.

For training school, a sum not exceeding four thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding three thousand five hundred forty-three dollars and twenty-nine cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and ninety-three thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved March 28, 1911.

Chap. 36 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF WORCESTER.

County tax,
Worcester.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Worcester for the year nineteen hundred and eleven:—

For interest on county debt, a sum not exceeding four thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-eight thousand dollars.

For clerical assistance in county offices, a sum not exceeding thirty-eight thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding sixty thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding fifty-four thousand dollars.

For criminal costs in the superior court, a sum not exceeding thirty-three thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-six thousand dollars.

For trial justices, a sum not exceeding two thousand five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding one thousand dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding ten thousand dollars.

For auditors, masters and referees, a sum not exceeding five thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding twelve thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty-eight thousand dollars.

County tax,
Worcester.

For highways, including state highways, bridges and land damages, a sum not exceeding thirty-five thousand dollars.

For law libraries, a sum not exceeding four thousand six hundred dollars.

For truant school, a sum not exceeding twelve thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding nineteen thousand four hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved March 28, 1911.

RESOLVE IN FAVOR OF WILLIAM J. BATT.

Chap. 37

Resolved, That there be allowed and paid out of the treasury of the commonwealth to the reverend William J. Batt, the sum of two hundred and fifty dollars for his services as chaplain at the Massachusetts reformatory during three months after his retirement on a pension.

William J.
Batt.

Approved March 28, 1911.

RESOLVE TO PROVIDE FOR AN INVESTIGATION RELATIVE TO THE CONSTRUCTION OF A TEAMING TUNNEL UNDER BOSTON HARBOR TO EAST BOSTON.

Chap. 38

Resolved, That the board of railroad commissioners and the Boston transit commission, acting as a joint board, shall investigate the subject-matter of the petitions of Thomas J. Giblin and others, with accompanying bill, house, number seven hundred and twenty-one, to provide for the construction of a teaming tunnel under Boston harbor to East Boston, and shall report to the general court not later than May fifteenth, nineteen hundred and eleven. Said joint board may expend a sum not exceeding five hundred dollars in carrying out the provisions of this resolve, to be paid out of the treasury of the commonwealth.

Construction
of a teaming
tunnel under
Boston harbor.

Approved March 28, 1911.

Chap. 39

RESOLVE IN FAVOR OF ARTHUR F. BUTTERWORTH.

Arthur F.
Butterworth.

Resolved, That there be allowed and paid out of the Motor Vehicles Fees Fund to Arthur F. Butterworth, clerk of the district court of western Worcester, the sum of twenty-five dollars, being the amount of an over-payment to the commonwealth made by him as such clerk under the provisions of chapter five hundred and thirty-four of the acts of the year nineteen hundred and nine.

Approved March 28, 1911.

Chap. 40

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Massachusetts
Charitable
Eye and Ear
Infirmary.

Resolved, That there be allowed and paid out of the treasury of the commonwealth to the Massachusetts Charitable Eye and Ear Infirmary the sum of forty-five thousand dollars, to be expended under the direction of the managers thereof for the charitable purposes of the infirmary during the year nineteen hundred and eleven.

Approved March 30, 1911.

Chap. 41

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPSHIRE.

County tax,
Hampshire.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Hampshire for the year nineteen hundred and eleven: —

For salaries of county officers and assistants, fixed by law, a sum not exceeding nine thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding four thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding thirteen thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding fifteen thousand dollars.

For criminal costs in the superior court, a sum not exceeding six thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding five thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding five hundred and fifty dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two thousand dollars. County tax, Hampshire.

For auditors, masters and referees, a sum not exceeding one thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding twenty-one thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding five thousand dollars.

For highways, bridges and land damages, a sum not exceeding fifteen thousand dollars.

For law libraries, a sum not exceeding one thousand dollars.

For truant schools, a sum not exceeding five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of sixty-one thousand six hundred eighteen dollars and seventy cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 5, 1911.

RESOLVE TO PROVIDE FOR THE PRESERVATION OF AN ANCIENT MONUMENT OR BOUNDARY MARK BETWEEN THE TOWNS OF NORTH ATTLEBOROUGH AND PLAINVILLE. *Chap. 42*

Resolved, That the board of harbor and land commissioners is hereby authorized and directed to take such measures as, in its opinion, may be necessary for the proper preservation of a certain ancient monument or boundary mark, located between the towns of North Attleborough and Plainville, formerly bounding the Massachusetts and Plymouth colonies, known as the Angle Tree Monument, and erected by authority of the general court in the year seventeen hundred and ninety: *provided*, that no work be done and no money expended until a conveyance is made to the commonwealth, without expense, of a suitable lot of land surrounding the monument, together with a right of way not less than twenty feet wide from the monument to the county road in the town of North Attleborough. Said commission may expend for this purpose a sum not exceed-

Boundary mark between the towns of North Attleborough and Plainville.

ing five hundred dollars, and shall make a report of the work done in its annual report for the year nineteen hundred and twelve.

Approved April 5, 1911.

Chap. 43 RESOLVE TO PROVIDE FOR AN INVESTIGATION AND A REPORT RELATIVE TO THE PROPOSED EAST AND WEST TUNNEL AND SUBWAY IN THE CITY OF BOSTON.

East and west
tunnel and
subway in the
city of Boston.

Resolved, That the board of railroad commissioners and the Boston transit commission, sitting together as a joint board, be instructed to consider and report within one month from the passage of this resolve whether, between the termini for the east and west tunnel and subway, as defined in section one of chapter five hundred and seventy-three of the acts of the year nineteen hundred and seven, a route in part under or near Boylston street would be preferable to the route defined in said act and, if so, to give a general description of said route with an approximate estimate of the cost of construction of a tunnel and subway thereon; and also to report whether such construction at the present time would in its opinion interfere with the future proper development of the transportation system within the metropolitan district; and whether a change of route at the present time would result in such delay in the completion of said tunnel and subway as would be inconsistent with the public welfare. The expenses incurred in making the foregoing investigation, including surveys and plans, shall be deemed a part of the cost of the tunnel and subway, the construction of which was provided for by said chapter five hundred and seventy-three of the acts of the year nineteen hundred and seven.

Report.

Approved April 6, 1911.

Chap. 44 RESOLVE IN FAVOR OF THE SOLDIERS' HOME IN MASSACHUSETTS.

Soldiers'
Home.

Resolved, That there be allowed and paid out of the treasury of the commonwealth to the Trustees of the Soldiers' Home in Massachusetts the sum of ninety-six thousand dollars, said amount to be paid in equal quarterly instalments, beginning on the first day of February, nineteen hundred and eleven, but all amounts so paid shall be subject to the approval of the governor and council.

Approved April 10, 1911.

RESOLVE TO PROVIDE FOR AN INVESTIGATION OF THE MATTER *Chap. 45*
OF PROVIDING OFFICES FOR STATE OFFICERS, BOARDS AND
COMMISSIONS.

Resolved, That the governor shall appoint, with the advice Offices for
state officers,
etc. and consent of the council, a commission of three persons, one of whom shall be designated by the governor as chairman, who shall serve without pay, to investigate the matter of providing in the state house, or elsewhere, suitable offices for state officers, boards and commissions. The said commission shall consider what additional room, if any, can be obtained by the rearrangement of offices in the state house, and shall also consider if any addition to the state house should be made, or what other method should be adopted for providing necessary office room for the said officers, boards and commissions. The said commission shall have authority to employ such assistance and to incur such other necessary expenses as may be approved by the governor and council; and they shall report to the general court not later than the first day of June in the current year. The provisions of section twenty-one of chapter three of the Revised Laws shall not apply to any appointments made hereunder.

Approved April 10, 1911.

RESOLVE TO PROVIDE FOR THE PAYMENT OF EXPENDITURES *Chap. 46*
INCIDENT TO MANEUVERS OF THE MILITIA IN NINETEEN
HUNDRED AND ELEVEN.

Resolved, That there be allowed and paid out of the Maneuvers of
the militia. appropriation for the compensation and transportation of officers and men of the volunteer militia, the sum of fifteen thousand dollars, to be expended under the direction of the adjutant general, for any and all expenditures incident to the maneuvers to be held during the summer of the year nineteen hundred and eleven. *Approved April 10, 1911.*

RESOLVE TO PROVIDE FOR AN INVESTIGATION BY THE BOARD *Chap. 47*
OF EDUCATION IN REGARD TO A RETIREMENT ALLOWANCE
FOR CERTAIN TEACHERS IN THE PUBLIC SCHOOLS.

Resolved, That the board of education is hereby requested Retirement
of certain
teachers in
public schools. to investigate the advisability of providing a retirement allowance for teachers who have taught in the public schools of the commonwealth for thirty-five years, and the amount and times of payment of such allowance. The board is

further requested to report the result of its investigation to the general court, with such recommendations as it may deem expedient, either in its annual report or separately, not later than the fifteenth day of January, nineteen hundred and thirteen.

Approved April 10, 1911.

Chap. 48 RESOLVE TO PROVIDE FOR AN INVESTIGATION AND REPORT BY THE METROPOLITAN PARK COMMISSION RELATIVE TO MAKING PARKER HILL IN THE CITY OF BOSTON A PART OF THE METROPOLITAN PARK SYSTEM.

Parker Hill.

Resolved, That the metropolitan park commission is hereby directed to make surveys and estimates as to the cost, and to consider the advisability, of acquiring as a part of the metropolitan park system, that part of Parker Hill in the city of Boston between Fisher avenue, Parker street, Parker Hill avenue, Calumet street and Iroquois street to a point at or near Wait street, and thence to said Fisher avenue. The commission shall report to the next general court not later than the second Saturday in January.

(The foregoing was laid before the Governor on the fourth day of April, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 49 RESOLVE TO PROVIDE FURTHER FOR AN INVESTIGATION BY THE STATE BOARD OF HEALTH OF INFANTILE PARALYSIS.

Infantile paralysis.

Resolved, That there be allowed and paid out of the treasury of the commonwealth the sum of ten thousand dollars, to be expended under the direction of the state board of health in its investigation of the disease known as anterior poliomyelitis or infantile paralysis.

Approved April 14, 1911.

Chap. 50 RESOLVE TO PROVIDE FOR AN EXTENSION OF THE WORK OF THE STATE BOARD OF HEALTH IN REGARD TO THE DIAGNOSIS OF TYPHOID FEVER.

Typhoid fever.

Resolved, That for the extension of the work of the state board of health in regard to the diagnosis of typhoid fever the annual appropriation for the general expenses of the board be increased by the sum of fifteen hundred dollars.

Approved April 14, 1911.

RESOLVE IN FAVOR OF BELLE C. DAVIS.

Chap. 51

Resolved, That a leave of absence with pay, from the first day of January to the thirtieth day of June in the year nineteen hundred and eleven, be granted to Belle C. Davis, a clerk in the boiler inspection department of the district police, on account of sickness and in consideration of the length of her employment in the service of the commonwealth.

Belle C.
Davis.*Approved April 14, 1911.*

RESOLVE RELATIVE TO THE REMOVAL OF THE ELEVATED RAILWAY STRUCTURE BETWEEN THE NORTH STATION AND SULLIVAN SQUARE IN THE CITY OF BOSTON. Chap. 52

Resolved, That the Boston transit commission shall include in its next annual report an approximate estimate of the cost of removing the elevated railway structure between the north station and Sullivan square in the city of Boston and of the substitution therefor of a subway.

Removal of
certain ele-
vated
structures.*Approved April 14, 1911.*

RESOLVE TO PROVIDE FOR THE PAYMENT OF CERTAIN BILLS INCURRED BY A LIEUTENANT OF THE NAVAL BRIGADE. Chap. 53

Resolved, That there be allowed and paid out of the treasury of the commonwealth the sum of one hundred twenty-nine dollars and seventy cents, to be expended under the direction of the adjutant general in the payment of bills contracted by one L. F. Gates, formerly a lieutenant in the Massachusetts naval brigade, while in the commonwealth of Virginia in the course of his duty as such lieutenant.

Payment of
certain bills.*Approved April 14, 1911.*

RESOLVE RELATIVE TO PROCURING A WATER SUPPLY FOR SALEM, BEVERLY AND PEABODY AND TO THE USE OF THE WATERS OF IPSWICH RIVER. Chap. 54

Resolved, That the state board of health is hereby authorized and directed, forthwith to investigate, consider and report upon the matter of a water supply for the cities of Salem and Beverly and for the town of Peabody, to be taken from the Ipswich river or any of its tributaries, or from such other source or sources as the said board may find available for the purpose. The board shall investigate all questions relating to the quantity of water to be obtained from available sources, its quality and the best methods of

Water supply
of Salem,
Beverly, etc.

Water supply
of Salem,
Beverly, etc.

Report.

protecting the purity of the water; and the board shall also consider the needs and interests of all other communities and persons that may be affected by the taking of water for the purposes aforesaid from the Ipswich river or any of its tributaries, or from any other source or sources, and shall consider what other communities might economically be united with those already mentioned for water supply purposes. Upon the above named subjects the board shall give one or more public hearings to all persons interested. The board shall first consider the immediate needs of the cities of Salem and Beverly and of the town of Peabody, respectively, for additional water, and shall make a preliminary report thereon to this general court on or before May fifteenth, nineteen hundred and eleven, reporting especially with reference to the necessity and expediency of legislation by this general court giving said cities and town, or any of them, the right at once to take a portion of the waters of Ipswich river or any of its tributaries or waters from any other sources as an additional water supply. The board shall have power to employ such engineering or other assistance, and to incur such expense as may be necessary for carrying out the provisions of this resolve. The said board shall make its final report with plans to the next general court on or before the tenth day of January, in the year nineteen hundred and twelve. For the purpose of carrying out the provisions of this resolve the sum of fifteen hundred dollars is hereby appropriated to be paid out of the treasury of the commonwealth from the ordinary revenue of the current year; and the treasurer and receiver general is hereby authorized to receive and to add to the sum so appropriated any money which may be contributed by any city, town, corporation or individual for said purpose. Any city or town may appropriate money and may pay the same to the treasurer and receiver general to be added to the appropriation as above provided.

Approved April 14, 1911.

Chap. 55 RESOLVE TO PROVIDE FOR AN INVESTIGATION OF VOLUNTARY ASSOCIATIONS ORGANIZED OR DOING BUSINESS IN THIS COMMONWEALTH UNDER WRITTEN INSTRUMENTS OR DECLARATIONS OF TRUST.

Investigation
of certain
voluntary as-
sociations.

Resolved, That the tax commissioner is hereby authorized and directed to make an investigation of voluntary associations organized or doing business in this commonwealth under

a written instrument or declaration of trust, the beneficial interest under which is divided into transferable certificates of participation or shares, with a view to determining the present legal status of such voluntary associations, and whether or not their prohibition or further control and regulation by the commonwealth is advisable and in the public interest. The attorney-general is hereby directed to give the tax commissioner such assistance as the latter may desire in making this investigation, and said commissioner may if he deems it advisable hold public hearings, after due notice, and shall consult with the board of railroad commissioners and the board of gas and electric light commissioners with especial reference to the effect of such voluntary associations upon the supervision and regulation of gas, electric light and street railway companies in this commonwealth. The tax commissioner shall report the result of his investigation to the general court on or before the second Saturday of January, nineteen hundred and twelve, with such recommendations as he may deem advisable; and he shall submit, with his report, drafts of any bill or bills necessary to carry into effect any recommendation which he may make. In conducting the above investigation, the tax commissioner may employ such assistance and incur such reasonable expenses, not exceeding twenty-five hundred dollars, as may be approved by the governor and council; and said commissioner shall have power to require the attendance and testimony of witnesses and the production of all books and documents relating to any matter within the scope of the said investigation. Witnesses shall be summoned in the same manner and be paid the same fees as are witnesses in the municipal court of the city of Boston.

Report.

Approved April 15, 1911.

RESOLVE TO CONFIRM THE ACTS OF ARTHUR M. BEALE AS A JUSTICE OF THE PEACE. *Chap. 56*

Resolved, That the acts of Arthur M. Beale as a justice of the peace, between the twenty-fifth day of November in the year nineteen hundred and ten and the fifteenth day of March in the year nineteen hundred and eleven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office.

Acts of
Arthur M.
Beale, justice
of the peace,
confirmed.

Approved April 18, 1911.

Chap. 57 RESOLVE TO PROVIDE FOR PRINTING THE REPORT OF THE BOARD OF RAILROAD COMMISSIONERS, THE TAX COMMISSIONER AND THE BANK COMMISSIONER ON THE ASSETS AND LIABILITIES OF THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

Printing the validation report, so-called.

Resolved, That there be printed forthwith two thousand copies, to be bound in cloth, of the complete report, with the accompanying exhibits, of the board of railroad commissioners, the tax commissioner and the bank commissioner, known as the validation commission, created by chapter six hundred and fifty-two of the acts of the year nineteen hundred and ten. From the copies so printed, each elective state officer, each member of the general court for the year nineteen hundred and eleven, and each member of said validation commission, shall receive one copy on request. The remaining copies shall be sold by the secretary of the commonwealth at a price not less than the cost thereof. All amounts received from such sales shall be paid into the treasury of the commonwealth.

(The foregoing was laid before the Governor on the eleventh day of April, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 58 RESOLVE TO PROVIDE FOR PRINTING THE REPORT OF THE DIRECTOR OF THE BUREAU OF STATISTICS RELATIVE TO CERTAIN OUTSTANDING DEBTS OF CITIES AND TOWNS.

Printing report on debts of cities and towns.

Resolved, That there be printed, suitably bound in paper covers, five thousand copies of the report of the director of the bureau of statistics, made in response to an order of the senate for information regarding the outstanding indebtedness of cities and towns against which no sinking funds are being accumulated, or for the extinguishment of which no annual payments of principal are being made; and that the said director be directed to send copies of the same to the selectmen and to the financial officers of every city and town in the commonwealth, and to distribute the remainder in such manner as he may deem for the public interest.

(The foregoing was laid before the Governor on the eleventh day of April, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

RESOLVE RELATIVE TO THE BOUNDARY LINE BETWEEN THE TOWNS OF HINSDALE AND PERU. *Chap. 59*

Resolved, That the harbor and land commissioners are hereby requested to establish the boundary line between the towns of Hinsdale and Peru and to report the result of their proceedings to the general court on or before the fifteenth day of January, nineteen hundred and twelve, and to accompany their report with the draft of a bill establishing said boundary line. *Boundary line.*

Approved April 20, 1911.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE BOARD OF EDUCATION RELATIVE TO IMPROVING HIGH SCHOOL EDUCATION AND FURNISHING HIGHER EDUCATION SUPPLEMENTARY THERETO. *Chap. 60*

Resolved, That the board of education is hereby authorized and directed to investigate the matter of improving and making more uniform the education now furnished by the various high schools in the commonwealth, and also of providing higher and supplementary education as a sequel to the public school education now provided. Said board is directed to consider and report upon house bill number five hundred and ninety now pending, and the petition which accompanies it. The board shall report to the general court not later than January fifteenth in the year nineteen hundred and twelve with such recommendations for legislation, if any, as it may deem expedient. The board is authorized to give such public hearings upon the said subject as it may deem necessary, and in carrying out the provisions of this resolve may expend such sums as shall be approved by the governor and council. *Improving high school education, etc.*

Report.

Approved April 20, 1911.

RESOLVE TO PROVIDE FOR REIMBURSING THE CITY OF NEWTON FOR MAINTAINING THE INDEPENDENT INDUSTRIAL SCHOOL IN THAT CITY. *Chap. 61*

Resolved, That there be allowed and paid out of the treasury of the commonwealth to the city of Newton, the sum of twenty-five hundred dollars for money expended and liability incurred in the maintenance of the independent industrial school in that city. *City of Newton.*

Approved April 20, 1911.

Chap. 62 RESOLVE TO PROVIDE FOR AN INVESTIGATION AND A REPORT
BY THE BOARD OF EDUCATION CONCERNING THE MAINTENANCE OF TEXTILE SCHOOLS AND THE TUITION FEES THEREIN.

Maintenance
of textile
schools, etc.

Report.

Resolved, That the board of education is hereby requested to make an investigation as to the aid which should be given by the commonwealth or by municipalities and individuals in the maintenance of textile schools, as to the fees for tuition in textile schools, and as to whether or not tuition should be free to students who reside in the city in which the textile school is located, or in the commonwealth. The board shall report the result of its investigation, together with any recommendations for legislation which it may deem advisable, to the general court not later than January fifteenth, nineteen hundred and twelve.

Approved April 20, 1911.

Chap. 63 RESOLVE DIRECTING THE BOARD OF EDUCATION TO REPORT
A PLAN FOR MORE DEFINITE SUPERVISION OF EDUCATIONAL
INSTITUTIONS RECEIVING AID FROM THE COMMONWEALTH.

Plan of
supervision
of certain
educational
institutions.

Resolved, That the board of education is hereby directed to report to the general court in nineteen hundred and twelve as to the advisability of more definite supervision by the commonwealth of educational institutions which receive contributions annually or otherwise from the treasury of the commonwealth, and to submit with its report a plan for such supervision by the board of education.

Approved April 20, 1911.

Chap. 64 RESOLVE DIRECTING THE BOARD OF EDUCATION TO INVESTIGATE THE MATTER OF PART-TIME SCHOOLING FOR WORKING CHILDREN.

Part-time
schooling for
working
children.

Resolved, That the board of education is hereby authorized and directed to investigate the need and practicability of part-time schooling, vocational and otherwise, for working children, and also the establishment of an apprentice system, especially for children between the ages of fourteen and seventeen years. The board shall investigate and report as to the means now existing which might be used to furnish vocational training, and is authorized to employ such agents as may be necessary to collect pertinent information from employers and others. The board shall report the result

Report.

of its investigations with its recommendations, in print, to the general court not later than the second Wednesday in January, nineteen hundred and thirteen. For the purposes of this resolve, there shall be allowed and paid out of the treasury of the commonwealth a sum not exceeding six thousand five hundred dollars. *Approved April 20, 1911.*

RESOLVE TO PROVIDE FOR THE PAYMENT OF DAMAGES AND OTHER EXPENSES INCURRED IN THE TAKING OF LAND FOR THE BOSTON STATE HOSPITAL. *Chap. 65*

Resolved, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding two hundred and fifty thousand dollars, to be expended under the direction of the state board of insanity in payment for land taken by right of eminent domain for the use of the Boston state hospital, under authority of chapter five hundred and thirty-five of the acts of the year nineteen hundred and nine, and for other expenses necessarily incurred in carrying out the provisions of the said chapter. *Approved April 24, 1911.*

Boston state hospital.

RESOLVE TO EXTEND THE POWERS OF THE COMMISSION APPOINTED TO CONSIDER THE LIABILITY OF EMPLOYERS FOR INJURIES RECEIVED BY EMPLOYEES IN THE COURSE OF THEIR EMPLOYMENT. *Chap. 66*

Resolved, That the commission which was appointed under chapter one hundred and twenty of the resolves of the year nineteen hundred and ten to determine upon a plan of compensating employees for injuries sustained in the course of their employment is hereby continued, and is instructed to report a draft of an act on or before May twentieth, nineteen hundred and eleven. For the purpose of continuing its investigation and of collecting and compiling statistical data of accidents and other pertinent information, the said commission is continued until July first, nineteen hundred and eleven. Every employer shall hereafter, until July first, nineteen hundred and eleven, keep a correct record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within forty-eight hours, not counting Sundays and legal holidays, after the occurrence of an accident to an employee resulting in personal injury a report thereof shall be made in writing by the employer to the commission on blanks furnished for the purpose. Upon the termination of the disability of the injured employee

Commission on liability of employers, powers extended.

or, if such disability extends beyond a period of sixty days, at the expiration of such period, the employer shall make a supplemental report on blanks furnished by the commission for that purpose.

Reports.

The said reports shall state the name and nature of the business of the employer, the location of his establishment, the name, age, sex and occupation of the injured employee, the date and hour of the accident, the nature and cause of the injury, and such other information as may be required by the commission. The total additional expense to be incurred under this resolve shall not exceed the sum of two thousand dollars.

Approved April 24, 1911.

Chap. 67 RESOLVE IN FAVOR OF THE CITY OF NORTHAMPTON FOR THE SUPPORT OF SMITH'S AGRICULTURAL SCHOOL AND NORTHAMPTON SCHOOL OF INDUSTRIES.

City of
Northampton.

Resolved, That the sum of nine thousand seven hundred and forty-three dollars may be allowed and paid out of the treasury of the commonwealth from the ordinary revenue to the city of Northampton for the maintenance and support of Smith's Agricultural School and Northampton School of Industries, in accordance with the provisions of chapter five hundred and five of the acts of the year nineteen hundred and six.

Approved May 4, 1911.

Chap. 68 RESOLVE TO PROVIDE FOR THE ESTABLISHMENT OF A FISH HATCHERY.

Fish hatchery.

Resolved, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding eight thousand dollars a year for five consecutive years, to be expended by the commissioners on fisheries and game, subject to the approval of the governor and council, for the purpose of purchasing, leasing or establishing and maintaining a fish hatchery, for purchasing land and buildings, erecting and equipping buildings, and constructing ponds; for the purchase of fish, and for other necessary expenses in connection with the propagation and investigation of food and game fish.

(The foregoing was laid before the Governor on the twenty-seventh day of April, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

RESOLVE IN FAVOR OF MICHAEL MURPHY AND OTHERS. *Chap. 69*

Resolved, That there be allowed and paid out of the Metropolitan Parks Maintenance Fund the sum of five thousand dollars, according to the right of representation, to Michael Murphy, Mary Callahan, M. Joseph Murphy, Francis Murphy, Frederick Murphy, Margaret Murphy, Katherine A. Murphy, Genevieve Murphy and Martin Murphy, all of Lynn, to the children of James Murphy, late of Lynn, deceased, and to Andrew Murphy of Chelsea, in full compensation for land belonging to them and taken by the metropolitan park commission for the purpose of a public park or reservation.

Approved May 8, 1911.

Michael
Murphy and
others.

RESOLVE DIRECTING THE BOARD OF EDUCATION TO INVESTIGATE THE METHODS OF SUPPORTING THE PUBLIC SCHOOLS OF THE COMMONWEALTH. *Chap. 70*

Resolved, That the board of education be directed to investigate the methods now prescribed by law for the distribution between local communities and the commonwealth of the cost of public education in the commonwealth; and to report thereon to the general court not later than January five, nineteen hundred and thirteen, with recommendations as to such changes and modifications in the said methods as, in its opinion, are demanded in the interest of economy and sound educational policy.

Approved May 9, 1911.

Methods of
supporting
public schools.

Report.

RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO INVESTIGATE THE WAGES OF WOMEN AND MINORS AND TO REPORT ON THE ADVISABILITY OF ESTABLISHING MINIMUM WAGE BOARDS. *Chap. 71*

Resolved, That the governor, with the advice and consent of the council, shall, within thirty days after the passage of this resolve, appoint a commission of five persons, citizens of the commonwealth, of whom at least one shall be a woman, one shall be a representative of labor and one shall be a representative of employers, to study the matter of wages of women and minors, and to report on the advisability of establishing a board or boards to which shall be referred inquiries as to the need and feasibility of fixing minimum rates of wages for women or minors in any industry. The said commission may employ experts and all necessary clerical and other assistance and may incur such reasonable ex-

Commission
on wages of
women and
minors, etc.

Report.

penses, including travelling expenses, as may be authorized by the governor and council. Before incurring any expenses the commission shall, from time to time, estimate its probable amount, and submit the estimate to the governor and council for their approval, and no expense shall be incurred by the commission beyond the amount so estimated and approved. The commissioners shall serve without pay, and shall report to the general court on or before the second Wednesday in January, nineteen hundred and twelve, with such drafts of bills, if any, as may be necessary to carry its recommendation into effect. To carry out the purposes of this resolve there may be expended from the treasury of the commonwealth a sum not exceeding two thousand dollars.

Approved May 11, 1911.

Chap. 72 RESOLVE TO PROVIDE FOR THE REPRESENTATION OF THE COMMONWEALTH AT THE DEDICATION OF MILITARY MONUMENTS AT VALLEY FORGE, PENNSYLVANIA, AND AT PETERSBURG, VIRGINIA.

Dedication
of certain
military
monuments.

Resolved, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding three thousand five hundred dollars, to be expended by the sergeant-at-arms under the direction of the governor and council, to enable the commonwealth to be represented, after the prorogation of the present session of the general court, at the dedication of a military monument at Valley Forge, Pennsylvania, and a military monument at Petersburg, Virginia, constructed under the provisions of chapter one hundred and three and chapter seventy-two, respectively, of the resolves of the year nineteen hundred and ten. The dedication of the two monuments shall occur during the same official tour of the representatives of the commonwealth, who are hereby designated to be as follows: — His excellency the governor, or his honor the lieutenant governor, two members of the governor's staff, two members of the executive council, the president of the senate, the speaker of the house of representatives, the clerk of the senate, the clerk of the house of representatives, the joint committee on military affairs, the sergeant-at-arms, the doorkeeper of the senate, the doorkeeper of the house of representatives, the three members of the Valley Forge commission appointed under authority of said chapter one hundred and three, the three members of the Petersburg commission appointed under authority of said chapter seventy-two; and the commander-in-chief of the Grand Army

Representa-
tion.

of the Republic, or his representative. Any vacancy occurring in the legislative representation may be filled by the presiding officer of the branch in the representation of which the vacancy occurs, preference to be given to veterans of the civil war. If, for any reason, a vacancy should occur in the membership of either commission, such vacancy may be filled by his excellency the governor.

Approved May 11, 1911.

RESOLVE TO AUTHORIZE THE SALE OF THE STATE ARMORY *Chap. 73*
IN THE CITY OF LAWRENCE.

Resolved, That the armory commissioners are hereby authorized, with the approval of the governor and council, to sell the premises now used as a state armory in the city of Lawrence, and to execute in the name of the commonwealth the necessary conveyance therefor. The proceeds shall be paid into the treasury of the commonwealth, and shall be credited to the Armory Loan Fund.

Sale of the
state armory
in Lawrence.

Approved May 13, 1911.

RESOLVE TO AUTHORIZE THE BOARD OF RAILROAD COMMISSIONERS TO INVESTIGATE THE MATTER OF EQUIPPING STREET *Chap. 74*
RAILWAY CARS WITH FENDERS AND WHEEL GUARDS.

Resolved, That the board of railroad commissioners is hereby directed to investigate the matter of the compulsory equipping of the cars of street railway companies with fenders and wheel guards; to investigate the operation of such fenders and wheel guards in this commonwealth and elsewhere; to examine the comparative merits of different fenders and wheel guards; and to report to the general court, not later than January fifteenth, nineteen hundred and twelve, the result of its investigation of the matters aforesaid and of any other matters relating to fenders and wheel guards for street railway cars, or to other means which the board may consider efficient and practicable for the prevention of accidents in the operation of the said cars. The board may expend for the purposes of this resolve a sum not exceeding fifteen hundred dollars.

Fenders and
wheel guards
on street
railway cars.

Approved May 13, 1911.

RESOLVES PROVIDING FOR SUBMITTING TO THE PEOPLE AN *Chap. 75*
ARTICLE OF AMENDMENT TO THE CONSTITUTION AUTHORIZING THE USE OF VOTING MACHINES AT ALL ELECTIONS.

Resolved, That the following article of amendment to the constitution, having been agreed to by the general court of

Amendment
to the con-
stitution sub-

mitted to the people.

the year nineteen hundred and nine and the general court of the year nineteen hundred and ten, and published in the manner required by the constitution, be submitted to the people for their ratification and adoption: —

Article of amendment.

Proviso.

Vote upon article, etc.

ARTICLE OF AMENDMENT TO THE CONSTITUTION AUTHORIZING THE USE OF VOTING MACHINES AT ALL ELECTIONS.

Voting machines or other mechanical devices for voting may be used at all elections under such regulations as may be prescribed by law: *provided, however,* that the right of secret voting shall be preserved.

Resolved, That the people shall be assembled for the purpose aforesaid, in their respective polling places in the several cities and towns, in meetings to be legally warned, and held on Tuesday, the seventh day of November next, at which meetings all persons qualified to vote for state officers may give in their votes by ballot for or against said article of amendment; and the same officers shall preside in said meetings as in meetings for the choice of state officers and shall in open meetings receive, sort, count and declare the votes for and against the said article of amendment; and the said votes shall be recorded by the clerks of said cities and towns, and true returns thereof shall be made out under the hands of the mayor and aldermen, and of the selectmen, or a major part of them, and of the clerks of the said cities and towns, respectively, and sealed up, and, within ten days after the said meetings, transmitted to the secretary of the commonwealth. So far as the same can be made applicable, the provisions of law applicable to the election of state officers shall apply to the taking of the vote on said article of amendment.

Question upon ballot.

Resolved, That every person qualified to vote as aforesaid may express his opinion on said article of amendment, and the following words shall be printed on the ballot, to wit: —

Shall the proposed amendment to the constitution authorizing the use of voting machines at all elections be approved and ratified?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

Examination of returns of votes, etc.

And if said article shall appear to be approved by a majority of the persons voting thereon, it shall be deemed and taken to be ratified and adopted by the people.

Resolved, That his excellency the governor and the council shall forthwith open and examine the votes returned as aforesaid; and if it shall appear that said article of amendment has been approved by a majority of the persons voting

thereon, according to the votes returned and certified as aforesaid, the same shall be enrolled on parchment and deposited in the secretary's office as a part of the constitution of the commonwealth, and shall be published in immediate connection therewith, numbered according to its numerical position, with the articles of amendment of the constitution heretofore adopted, in all future editions of the laws of the commonwealth printed by public authority.

Resolved, That his excellency the governor be, and he hereby is, authorized and requested to issue his proclamation forthwith after the examination of the votes returned as aforesaid, reciting said article of amendment and announcing that said article has duly been adopted and ratified by the people of the commonwealth, and thus becomes a part of the constitution thereof, and requiring all magistrates and officers and all citizens of the commonwealth to take notice thereof and govern themselves accordingly, or that said article of amendment has been rejected, as the case may be.

Governor to
issue procla-
mation.

Approved May 15, 1911.

RESOLVE TO PROVIDE FOR AN INVESTIGATION OF THE RIFLE RANGES USED BY THE MILITIA. *Chap. 76*

Resolved, That the armory commissioners are hereby authorized to investigate the rifle ranges in the commonwealth for the use of the militia, and to report the number thereof in the various cities and towns, their probable cost, an account of all expenses in connection with rifle practice, and whether, in the opinion of the commissioners, the expense of maintaining the said ranges should be assumed by the commonwealth. They shall serve without compensation, but may expend a sum not exceeding five hundred dollars for such necessary expenses as the governor and council shall approve. They shall report their findings, with such recommendations as they may deem proper, to the next general court, not later than the first day of February, nineteen hundred and twelve.

Rifle ranges
of the militia.
Report.

Approved May 18, 1911.

RESOLVE IN FAVOR OF FORTUNAT LEVESQUE.

Chap. 77

Resolved, That there be allowed and paid out of the treasury of the commonwealth to Fortunat Levesque, of Fall River, the sum of three hundred dollars, in full compensation for injuries received by him from a shot fired by a member of

Fortunat
Levesque.

the state militia who was engaged in target practice at the rifle range in Fall River in pursuance of his duty as a member of the militia on November seventh, in the year nineteen hundred and ten.

Approved May 18, 1911.

Chap. 78 RESOLVE IN FAVOR OF THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

Massachusetts
Institute
of Technology.

Resolved, That there shall annually be paid from the treasury of the commonwealth to the Massachusetts Institute of Technology, for the term of ten years, beginning with the first day of January in the year nineteen hundred and twelve, the sum of one hundred thousand dollars, to be expended under the direction of the corporation of said institute for the general purposes of the institute: *provided, however*, that the payment for the year nineteen hundred and seventeen and for the four following years shall be conditioned upon the presentation of satisfactory evidence to the governor and council that the said Massachusetts Institute of Technology has received, by bequest or gift from other sources, the sum of one million dollars in addition to all the funds held by it on the day of the approval of this resolve. In consideration of the said payments and during the continuance thereof, the Massachusetts Institute of Technology shall maintain eighty free scholarships to be granted by the board of education to residents, or minor children of residents of Massachusetts who, upon examination conducted under such rules and regulations as the president of the said institute may prescribe, shall be found to possess the qualifications fixed for the admission of students to the institute. Two such scholarships shall be available annually for properly qualified candidates from each senatorial district, but if there be less than two properly qualified candidates in any senatorial district, such number of scholarships, less in amount than two from each district, may then be distributed by the board of education among the other senatorial districts. Candidates for these scholarships shall make application to the board of education before the first day of July in each year, and shall forward to that board the approval in writing of the senator from the district in which the candidate resides. In awarding the scholarships preference shall be given to properly qualified candidates who are otherwise unable to bear the expense of tuition.

Proviso.

Scholarships.

Repeal.

All acts and resolves and parts of acts and resolves heretofore passed authorizing the annual appropriation of funds

by the commonwealth for the maintenance of free or state scholarships in the Massachusetts Institute of Technology, or prescribing the conditions under which such scholarships shall be awarded, are hereby repealed.

The Massachusetts Institute of Technology shall transmit Annual report. each year copies of the annual report of its president to the general court.

The eighty half scholarships now in force, as shown by the records of the Massachusetts Institute of Technology, shall continue in full force and effect until the end of the course for which they were given, after which time all future scholarships shall be filled under the regulations and conditions herein prescribed. Present scholarships to continue in force.

Approved May 20, 1911.

RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COM- Chap. 79
MISSION ON THE INFERIOR COURTS OF THE COUNTY OF
SUFFOLK.

Resolved, That the governor, with the advice and consent of the council, is hereby authorized to appoint five persons, citizens of the commonwealth, one of whom he shall designate as chairman, who shall constitute a commission on the inferior courts of the county of Suffolk. Said commission shall be provided with a place for its meetings in the Suffolk county court house. It shall investigate the civil and criminal business of said courts, including the municipal, police, district and juvenile courts, the amount of business done by each of said courts, their methods, the result of their work, and the qualifications and employment of interpreters in judicial proceedings therein. The commission shall also consider the expediency of revising the judicial system of the inferior courts in said county, with a view to obtaining greater uniformity, dispatch, efficiency and economy in the administration of justice, and shall recommend such legislation as in its opinion will secure these ends. The members of the commission shall Commission on inferior courts of the county of Suffolk. serve without compensation, but the commission may expend in carrying out the provisions of this resolve a sum not exceeding twenty-five hundred dollars, to be paid by the county of Suffolk. The commission shall give hearings to all persons desiring to be heard on the subject, and shall make a report of its doings, with such recommendations as it may deem proper, to the general court, not later than the fifteenth day of January, nineteen hundred and twelve. Report.

Approved May 26, 1911.

Chap. 80 RESOLVE TO CONFIRM THE ACTS OF CHARLES J. ELLIOTT AS
A JUSTICE OF THE PEACE.

Acts of
Charles J.
Elliott, justice
of the peace,
confirmed.

Resolved, That the acts of Charles J. Elliott of Boston as a justice of the peace, between the first day of March and the twenty-fourth day of April in the year nineteen hundred and eleven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office.

Approved May 26, 1911.

Chap. 81 RESOLVE TO CONFIRM THE ACTS OF EWING W. HAMLEN AS
A JUSTICE OF THE PEACE.

Acts of
Ewing W.
Hamlen,
justice of the
peace, con-
firmed.

Resolved, That the acts of Ewing W. Hamlen as a justice of the peace, between the eleventh day of November in the year nineteen hundred and ten and the twenty-seventh day of April in the year nineteen hundred and eleven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office.

Approved May 26, 1911.

Chap. 82 RESOLVE TO PROVIDE FOR THE MARKING AND PERPETUAL
CARE OF THE GRAVE OF THE LATE VALENTINE REUDGEN
IN PINE HILL CEMETERY IN THE TOWN OF CHESTER.

Care of the
grave of
Valentine
Reudgen, in
the town of
Chester.

Resolved, That James G. Dunning, administrator of the estate of the late Valentine Reudgen, is hereby authorized to cause to be erected in Pine Hill Cemetery in the town of Chester a suitable monument to mark the grave of said Reudgen, late a resident of that town, and he may expend therefor the sum of seventy-five dollars; also there may be paid to the town of Chester the sum of one hundred dollars for the perpetual care of said grave. These sums shall be paid out of the treasury of the commonwealth from the Escheated Estates Fund: *provided, however*, that the town of Chester shall give to the auditor of the commonwealth a certificate that the said monument has been erected and that the town accepts the money for the perpetual care of the said grave.

Approved May 27, 1911.

RESOLVE RELATIVE TO SUBURBAN EXPRESS OFFICES AT THE NORTH AND SOUTH STATIONS IN THE CITY OF BOSTON. *Chap. 83*

Resolved, That the board of railroad commissioners be requested to investigate the expediency of providing accommodations at the north and south stations in the city of Boston for the use of the various express companies acting as common carriers in the city of Boston and neighboring cities and towns, for the convenience of passengers arriving at said stations, and to report its findings to the general court on or before the second Saturday of January, nineteen hundred and twelve.

Express
offices at the
north and
south stations
in the city
of Boston.

Approved May 27, 1911.

RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A METROPOLITAN PLAN COMMISSION. *Chap. 84*

Resolved, That the governor, with the advice and consent of the council, shall appoint three persons, each to serve until the first day of January, nineteen hundred and twelve, who shall constitute a commission for the purpose hereinafter stated, and who shall be known as the Metropolitan Plan Commission. The members of said commission shall receive no compensation for their services. It shall be the duty of the said commission to make such investigations into the matter of a metropolitan plan for the metropolitan district as defined in chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and acts in amendment thereof and in addition thereto, as will enable the commission to report to the general court on or before January first, nineteen hundred and twelve, upon the feasibility of such a plan, together with such recommendations as it may see fit to make relative to the manner in which such a plan should be carried out. A metropolitan plan, as the term is used in this resolve, shall mean a plan for coordinating civic development. The commission shall have no right or power to report or recommend any change in the form of government in any of the cities or towns in the said metropolitan district as defined in said chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and amendments thereof and additions thereto.

Metropolitan
plan com-
mission.

Approved May 27, 1911.

Chap. 85 RESOLVE REQUESTING THE BOARD OF EDUCATION TO INVESTIGATE THE EXPEDIENCY OF AUTHORIZING THE LOWELL TEXTILE SCHOOL TO GRANT CERTAIN DEGREES.

Granting of
degrees by the
Lowell textile
school.

Resolved, That the board of education is hereby authorized and requested to investigate the expediency of empowering the trustees of the Lowell textile school to grant the degree of Bachelor of Science in certain cases, and to report thereon to the next general court not later than the fifth day of January, nineteen hundred and twelve. In making this investigation the board shall take into consideration house bill 1497, now pending, and the petition which accompanied it.

Approved June 2, 1911.

Chap. 86 RESOLVE TO PROVIDE FOR REPAIRING THE PAVEMENT OF THE ARCHWAY OF THE STATE HOUSE.

Pavement of
the archway
of the state
house.

Resolved, That there may be allowed and paid out of the treasury of the commonwealth a sum not exceeding three thousand dollars, to be expended under the direction of the sergeant-at-arms, in repairing the pavement of the archway of the state house.

Approved June 6, 1911.

Chap. 87 RESOLVE TO PROVIDE FOR AN INVESTIGATION AND A REPORT AS TO LAKE COCHITUATE.

Lake
Cochituate.

Resolved, That the metropolitan water and sewerage board and the state board of health are hereby requested to make an examination of the water of Lake Cochituate and of its immediate tributaries, and of the adequacy of the protection of the purity of said water, in order to determine whether or not the water is suitable for a domestic water supply, and as to the advisability of providing a method of filtration for the water. Said boards, acting jointly, shall report the result of their investigation, with such recommendations for legislation as they may deem advisable, to the general court on or before the fifteenth day of January, nineteen hundred and twelve; and they shall submit as a part of their report an estimate of the cost of a method of filtration.

Report.

Approved June 6, 1911.

RESOLVE TO PROVIDE FOR AN INVESTIGATION AND A REPORT *Chap. 88*
 BY THE BOARD OF RAILROAD COMMISSIONERS RELATIVE TO
 A HIGHWAY BRIDGE OVER THE TRACKS OF THE BOSTON
 AND ALBANY RAILROAD AT MATTHEWS STREET IN THE CITY
 OF CHELSEA.

Resolved, That the board of railroad commissioners is hereby directed to investigate the necessity and advisability of the construction by the Boston and Albany Railroad Company of a bridge across the tracks of said company on Matthews street in the city of Chelsea, together with any necessary approaches to the said bridge. The board is further directed to report the result of its investigation, with such recommendations as it may deem proper, to the general court on or before the fifteenth day of January in the year nineteen hundred and twelve. *Approved June 6, 1911.*

Highway
bridge over
certain rail-
road tracks
in the city of
Chelsea.

RESOLVE RELATIVE TO A BRONZE MEMORIAL TABLET AND A *Chap. 89*
 BUST OF ABRAHAM LINCOLN.

Resolved, That the bronze memorial tablet of Lincoln's Gettysburg address, together with a bronze head of Abraham Lincoln from the life mask by Volk, proposed to be presented to the commonwealth of Massachusetts by the department of Massachusetts, Woman's Relief Corps, are hereby accepted, to be placed in the state house in some appropriate location to be approved by the art commission of the commonwealth: *provided*, that said tablet and head are approved by the said art commission.

Memorial
tablet and
bust of
Abraham
Lincoln.

Approved June 6, 1911.

RESOLVE AUTHORIZING THE BOARD OF HARBOR AND LAND *Chap. 90*
 COMMISSIONERS TO CHANGE THE LOCATION OF A PORTION
 OF THE RESERVED CHANNEL AT SOUTH BOSTON.

Resolved, That the board of harbor and land commissioners, with the approval of the governor and council, is hereby authorized to change the location of any or all of that portion of the reserved channel at South Boston, established under the provisions of chapter forty-six of the resolves of the year eighteen hundred and eighty-six, which lies east of L street bridge, and may make such arrangements and terms with the proprietors of adjoining flats and wharves and with other parties as may be found necessary or con-

Change of
location of
the reserved
channel at
South Boston.

venient to secure the proper establishment and maintenance of the new channel: *provided*, that the reserved channel as changed shall be not less than four hundred feet in width from said bridge to the main ship channel, and that the plans therefor and all agreements and contracts relating thereto shall be subject to the approval of the governor and council.

Approved June 6, 1911.

Chap. 91 RESOLVE PROVIDING FOR SUBMITTING TO THE PEOPLE THE ARTICLE OF AMENDMENT OF THE CONSTITUTION INCREASING THE POWER OF THE LEGISLATURE TO AUTHORIZE THE TAKING OF LAND AND PROPERTY FOR HIGHWAYS OR STREETS.

Amendment to the constitution submitted to the public.

Resolved, That the following article of amendment to the constitution, having been agreed to by the last and present general court and published in the manner required by the constitution, be submitted to the people for their ratification and adoption: —

ARTICLE OF AMENDMENT.

Article of amendment.

Article ten of part one of the constitution is hereby amended by adding to it the following words: — The legislature may by special acts for the purpose of laying out, widening or relocating highways or streets, authorize the taking in fee by the commonwealth, or by a county, city or town, of more land and property than are needed for the actual construction of such highway or street: *provided, however*, that the land and property authorized to be taken are specified in the act and are no more in extent than would be sufficient for suitable building lots on both sides of such highway or street; and after so much of the land or property has been appropriated for such highway or street as is needed therefor, may authorize the sale of the remainder for value with or without suitable restrictions.

Proviso.

Vote upon article, etc.

Resolved, That the people shall be assembled for the purpose aforesaid, in their respective polling places in the several cities and towns, in meetings to be legally warned, and held on Tuesday, the seventh day of November next, at which meetings all persons qualified to vote for state officers may give in their votes by ballot for or against said article of amendment; and the same officers shall preside in said meetings as in meetings for the choice of state officers, and shall in open meetings receive, sort, count and declare the votes for and against the said article of amendment; and the said votes

shall be recorded by the clerks of said cities and towns, and true returns thereof shall be made out under the hands of the mayor and aldermen or board having the powers of aldermen, and of the selectmen, or a major part of them, and of the clerks of the said cities and towns, respectively, and sealed up, and, within ten days after the said meetings, transmitted to the secretary of the commonwealth. So far as the same can be made applicable, the provisions of law applicable to the election of state officers shall apply to the taking of the vote on said article of amendment.

Resolved, That every person qualified to vote as aforesaid may express his opinion on said article of amendment, and the following words shall be printed on the ballot: —

Shall the proposed amendment to the constitution, increasing the power of the legislature to authorize the taking of land and property for highways or streets, be approved and ratified?

Question upon
ballot.

YES.	
NO.	

And if said article shall appear to be approved by a majority of the persons voting thereon, it shall be deemed and taken to be ratified and adopted by the people.

Resolved, That his excellency the governor and the council shall forthwith open and examine the votes returned as aforesaid; and if it shall appear that said article of amendment has been approved by a majority of the persons voting thereon, according to the votes returned and certified as aforesaid, the same shall be enrolled on parchment and deposited in the secretary's office as a part of the constitution of the commonwealth, and shall be published in immediate connection therewith, numbered according to its numerical position, with the articles of amendment of the constitution heretofore adopted, in all future editions of the laws of the commonwealth printed by public authority.

Examination
of returns
of votes, etc.

Resolved, That his excellency the governor be, and he hereby is, authorized and requested to issue his proclamation forthwith after the examination of the votes returned as aforesaid, reciting said article of amendment and announcing that said article has been duly adopted and ratified by the people of the commonwealth, and thus becomes a part of the constitution thereof, and requiring all magistrates and officers and all citizens of the commonwealth to take notice thereof and govern themselves accordingly, or that said article of amendment has been rejected, as the case may be.

Governor to
issue procla-
mation.

Approved June 9, 1911.

Chap. 92

RESOLVE IN FAVOR OF CHARLES F. CARR.

Charles F.
Carr.

Resolved, That there be allowed and paid to Charles F. Carr of Lowell from the treasury of the commonwealth a sum not exceeding two hundred and fifty dollars, in full compensation for extra services performed by him as armorer or otherwise at the state armory in the city of Lowell, and for expenditures made by him. *Approved June 9, 1911.*

Chap. 93 RESOLVE TO CONFIRM THE ACTS OF J. HARRY STILES AS A
NOTARY PUBLIC.

Acts of J.
Harry Stiles,
notary public,
confirmed.

Resolved, That the acts of J. Harry Stiles of Lynn as a notary public, between the nineteenth day of December in the year nineteen hundred and seven and the tenth day of May in the year nineteen hundred and eleven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office. *Approved June 9, 1911.*

Chap. 94 RESOLVE TO EXTEND THE TIME WITHIN WHICH REPORT MAY
BE MADE BY THE COMMISSION APPOINTED TO INVESTIGATE
THE CONDITION AND MANAGEMENT OF EMPLOYMENT AGEN-
CIES AND INTELLIGENCE OFFICES.

Time ex-
tended for
making a cer-
tain report.

Resolved, That the time for filing the report of the commission appointed to investigate the condition and management of employment agencies and intelligence offices, pursuant to the provisions of chapter one hundred and forty-six of the resolves of the year nineteen hundred and ten and chapter two of the resolves of the year nineteen hundred and eleven, is hereby further extended to the thirty-first day of May in the current year, and all recommendations shall be accompanied by drafts of bills; that the existence of said commission is hereby extended to the second Wednesday of January, nineteen hundred and twelve, on or before which date final report shall be made to the next general court, with such additional information as may have been obtained and with such additional recommendations as may be deemed advisable; and that said commission shall be allowed for its necessary expenses, in addition to the sum of two thousand dollars authorized by the resolve first mentioned herein, such further sum not exceeding one thousand dollars as may be approved by the governor and council. *Approved June 10, 1911.*

RESOLVE RELATIVE TO PATIENCE FIDELIA CLINTON OF THE
HASSANAMISCO TRIBE OF INDIANS. *Chap. 95*

Resolved, That there be allowed and paid out of the treasury of the commonwealth to the selectmen of the town of Grafton one hundred fifteen dollars and seventy-one cents, to provide for paying the debts and funeral expenses of Patience Fidelia Clinton, of the Hassanamisco tribe of Indians, who died on the twenty-second day of April, nineteen hundred and eleven.

Patience
Fidelia
Clinton.

Approved June 14, 1911.

RESOLVE IN FAVOR OF HARRY J. COSGROVE. *Chap. 96*

Resolved, That there be paid out of the treasury of the commonwealth the sum of five hundred dollars to Harry J. Cosgrove, in full compensation for injuries sustained by him in the performance of his duty as a member of company E of the naval brigade of the Massachusetts volunteer militia while serving the commonwealth on the United States ship Chicago, on the thirteenth day of October, in the year nineteen hundred and ten.

Harry J.
Cosgrove.

Approved June 16, 1911.

RESOLVE DIRECTING THE BOARD OF EDUCATION TO CONSIDER
THE EXPEDIENCY OF ESTABLISHING A STATE NORMAL SCHOOL
IN OR NEAR THE CITY OF BOSTON. *Chap. 97*

Resolved, That the board of education is hereby directed to consider the expediency of establishing in or near the city of Boston a state normal school for the training of elementary school teachers, or of accepting from the city of Boston a transfer to the commonwealth of the Boston normal school, or of making an agreement between the commonwealth and the city of Boston whereby a certain sum may be paid by the commonwealth to the city of Boston for each pupil educated in the said school under such conditions as to supervision as the said board may require. For this purpose the said board shall confer with the municipal authorities of the city of Boston. The board shall report to the next general court not later than the second Wednesday in January, with such recommendations for legislation, or otherwise, as it may deem expedient.

Establishment
of a state
normal school
in or near the
city of Boston.

Report.

Approved June 16, 1911.

Chap. 98 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE
LAKEVILLE STATE SANATORIUM.

Lakeville
state
sanatorium.

Resolved, That there be allowed and paid out of the treasury of the commonwealth for certain improvements at the Lakeville state sanatorium, to be expended under the direction of the trustees thereof, a sum not exceeding thirty-three hundred dollars, for the following purposes, to wit: — For a recreation and employment building, a sum not exceeding eighteen hundred dollars; for a poultry house and poultry, a sum not exceeding five hundred dollars; for additional wells for water supply, a sum not exceeding five hundred dollars; and for extension of the sewage system, a sum not exceeding five hundred dollars.

Approved June 16, 1911.

Chap. 99 RESOLVE TO PROVIDE FOR IMPROVEMENTS AT THE NORTH
READING STATE SANATORIUM.

North Reading
state sana-
torium.

Resolved, That there be allowed and paid out of the treasury of the commonwealth for providing sewage purification works at the North Reading state sanatorium, a sum not exceeding three thousand five hundred dollars, to be expended under the direction of the trustees of the said institution.

Approved June 16, 1911.

Chap. 100 RESOLVE TO PROVIDE FOR AN INVESTIGATION AS TO THE
ESSEX BRIDGE BETWEEN THE CITIES OF SALEM AND BEVERLY.

Essex bridge
between the
cities of
Salem and
Beverly.

Resolved, That one member of the Massachusetts highway commission, to be designated by the commission, one member of the board of harbor and land commissioners, to be designated by the board, and one member of the county commissioners of the county of Essex, to be designated by said county commissioners, are hereby constituted a joint board to investigate the question of the reconstruction of the Essex bridge, so-called, between the cities of Salem and Beverly, or the construction of a new bridge, with suitable approaches, at or near the location of said Essex bridge. Said reconstructed bridge or new bridge shall be filled solid to such extent as said joint board may think expedient, and shall be provided with a proper draw for the passage of vessels, and with tide gates or locks so that the flats in the Danvers, Bass and North rivers may be kept covered with water at low tide; and said joint board is hereby authorized

to make surveys and to procure plans and estimates of the cost of the said work, and to report to the next general court on or before the first day of January, nineteen hundred and twelve, with copies of said plans and estimates and the recommendations of the joint board in respect thereto, and if any legislation is recommended by the board the report shall be accompanied by a bill or bills embodying the recommendation. The said joint board may expend a sum not exceeding five thousand dollars for the purposes of this resolve. For this purpose the county commissioners of the county of Essex are hereby authorized and directed to borrow on the credit of the county, for a period not exceeding one year, a sum not exceeding five thousand dollars. From the money so obtained the treasurer of the county shall pay, from time to time, as occasion may require, such sums as may be determined by the said joint board and approved by the county commissioners. As soon as is practicable after the completion of its investigation and report the board shall certify to the clerk of courts of the said county, and to the clerks of each of the said cities the sum expended by it under authority of this resolve; and within thirty days thereafter the said cities shall each pay into the treasury of the county thirty per cent of the sum so expended; and if either of the said cities shall neglect or refuse to pay the same, the county commissioners may, after notice to the city, issue a warrant for the same with interest and the costs of the notice and warrant, and the same shall be collected and paid into the treasury of the county, to be applied in payment of the expenses aforesaid. The remaining forty per cent of the said expense shall be paid by the said county.

Approved June 16, 1911.

RESOLVE AUTHORIZING THE STATE BOARD OF CHARITY TO
RECEIVE AND HOLD TITLE TO THE ROBBINS FARM IN THE
TOWN OF WALPOLE. *Chap. 101*

Resolved, That the state board of charity is hereby authorized to receive and hold on behalf of the commonwealth any right, title and interest in and to a certain tract of land in the town of Walpole, known as the Robbins Farm, and to maintain said premises under said name of the Robbins Farm, or some other descriptive designation of which the name "Robbins" shall form a part, to be used exclusively for and in connection with the care of minors by said board.

Robbins Farm
in the town
of Walpole.

Approved June 22, 1911.

Chap.102 RESOLVE TO PROVIDE FOR LAUNDRY MACHINERY AT THE
PRISON CAMP AND HOSPITAL.

Prison camp
and hospital.

Resolved, That there be allowed and paid out of the State Prison Industries Fund a sum not exceeding one thousand two hundred and fifty dollars, to be expended under the direction of the prison commissioners in providing laundry machinery at the camp section of the prison camp and hospital in Rutland.

Approved June 22, 1911.

Chap.103 RESOLVE RELATIVE TO THE IMPORTATION OF NURSERY STOCK
AND TO THE AUTHORITY OF THE STATE NURSERY INSPECTOR.

Importation
of nursery
stock, etc.

Resolved, That the state nursery inspector, with the approval of the secretary of the state board of agriculture, shall prohibit, for such periods and under such conditions as in his judgment may seem necessary, the delivery within the state of nursery stock from any other state, province or country when in his opinion such nursery stock is liable to be infected with insect pests or diseases not already present in this state. He, with the approval of the secretary of the state board of agriculture, shall have power to prescribe such general requirements as may be needed to carry out the provisions of this resolve, and may publish information about such insects and diseases as are concerned in this resolve. No provision in this resolve shall be considered as applying to gypsy or brown tail moths or to any stage thereof, except upon places where nursery stock is grown and upon property immediately adjoining the same. The state nursery inspector shall receive five hundred dollars annually for services under this resolve and his travelling and other expenses necessarily incurred in such service. Each of his deputies shall receive five dollars for each day's service required of him under this resolve and his travelling and other expenses necessarily incurred in such service. A sum not exceeding ten thousand dollars may be expended by the state board of agriculture in carrying out the provisions of this resolve, and the state nursery inspector may appoint, for the purposes of this resolve, such additional inspectors as may be approved by the secretary of the state board of agriculture.

Approved June 22, 1911.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE
LYMAN AND INDUSTRIAL SCHOOLS. *Chap.104*

Resolved, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding ninety-five hundred dollars, to be expended under the direction of the trustees of the Lyman and industrial schools for the following purposes: — For coal bunkers at the Lyman school for boys, a sum not exceeding fifteen hundred dollars; and for sewer beds at the state industrial school for girls, a sum not exceeding eight thousand dollars. *Approved June 22, 1911.*

Lyman and
industrial
schools.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE
RUTLAND STATE SANATORIUM. *Chap.105*

Resolved, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding seventy-nine hundred and forty-five dollars, to be expended at the Rutland state sanatorium, under the direction of the trustees of hospitals for consumptives, for certain improvements as follows: — For a new dynamo and engine, a sum not exceeding twenty-eight hundred and fifty dollars; for iron pipes, a sum not exceeding nineteen hundred and seventy-five dollars; for woodworking machinery for the carpenter shop, a sum not exceeding three hundred dollars; for the extension of the western veranda on the infirmary, a sum not exceeding nine hundred and sixty-five dollars; for changing certain buildings into an infirmary, a sum not exceeding eight hundred and sixty-five dollars; for furnishing the infirmary so constructed, a sum not exceeding three hundred and ninety dollars; for covering the bridge between the administration building and the centre building with tar concrete, a sum not exceeding one hundred and fifty dollars; and for an ambulance, a sum not exceeding four hundred and fifty dollars. *Approved June 22, 1911.*

Rutland state
sanatorium.

RESOLVE TO PROVIDE FOR PLANS AND ESTIMATES OF A PRO-
POSED HIGHWAY FROM THE CITY OF LAWRENCE TO THE
TOWN OF METHUEN. *Chap.106*

Resolved, That the county commissioners of the county of Essex are hereby authorized and directed to investigate, make surveys, and to procure plans and estimates for a proposed highway commencing at the westerly terminus of Water street in the city of Lawrence, and running thence

Highway
between the
city of Law-
rence and the
town of
Methuen.

Report.

along the northerly bank of the Merrimac river to a point in Lowell street in the town of Methuen east of Bartlett brook, so-called, and to report to the next general court on or before the second Saturday of January, nineteen hundred and twelve, with copies of said plans and estimates. For this purpose the commissioners may expend a sum not exceeding one thousand dollars. As soon as is practicable, the said commissioners shall certify to the treasurer of the city of Lawrence and to the treasurer of the town of Methuen the sum expended under the authority of this resolve prior to the first day of December, nineteen hundred and twelve. The city of Lawrence shall pay fifty per cent and the town of Methuen ten per cent of the said expense to the county of Essex, and if the city or the town neglects or refuses to pay its said proportion the commissioners shall, after due notice to the city or to the town, as the case may be, issue a warrant for the same, with interest and the costs of the notice and warrant, and the same shall be collected and paid into the treasury of said county to be applied toward payment of the expense aforesaid.

Approved June 22, 1911.

Chap.107 RESOLVE IN FAVOR OF THE EXECUTORS OF THE WILL OF
ELEAZER R. BURBANK.

Eleazer R.
Burbank.

Resolved, That there be allowed and paid out of the treasury of the commonwealth to Alonzo P. Weeks, B. A. McMahon and Florence B. French, executors of the will of the late Eleazer R. Burbank, of Newton, the sum of sixteen dollars and ninety-six cents, the same having been erroneously paid into the treasury of the commonwealth on account of a legacy tax.

Approved June 22, 1911.

Chap.108 RESOLVE TO PROVIDE FOR AN INVESTIGATION AS TO CERTAIN
IMPROVEMENTS OF THE SUBWAY AND TRANSPORTATION
SYSTEM IN THE CITY OF BOSTON.

Subway and
transportation
system in the
city of Boston.

Resolved, That the board of railroad commissioners and the Boston transit commission, sitting jointly, be instructed to consider the matters contained in the following bills and resolve now pending, namely, — house bill, No. 149, house bill, No. 1384, house bill, No. 1385, and resolve, house, No. 1110. The said joint board shall investigate and determine whether it is for the public interest, and expedient, to enact any or all of the legislation prayed for in the petitions accom-

Report.

panying the said bills and resolve; and if the board recommends any legislation it shall submit the draft of an act or acts embodying the same. The said joint board shall report to the next general court on or before the second Saturday in January, and may expend for the purposes of this resolve such sums of money, to be paid out of the treasury of the commonwealth, as may be necessary, and as shall be approved by the governor and council.

Approved June 22, 1911.

RESOLVE DIRECTING THE BOARD OF EDUCATION TO INVESTIGATE THE ADVISABILITY OF ESTABLISHING AN AGRICULTURAL SCHOOL IN OR NEAR THE CITY OF BOSTON. Chap. 109

Resolved, That the board of education shall investigate the practicability and advisability of the establishment by the commonwealth of an agricultural school, or of a branch of the state agricultural college, in the city of Boston or at some place within ten miles thereof. The board shall consider house bill number five hundred and ninety-three, now pending, with the accompanying petition, and shall report to the general court not later than the second Wednesday in January, nineteen hundred and twelve. The board may give such hearings upon the subject, and may incur such necessary expense as shall be approved by the governor and council.

Agricultural school in or near the city of Boston.

Report.

Approved June 29, 1911.

RESOLVE TO EXTEND THE POWERS OF THE COMMISSION APPOINTED TO CONSIDER THE LIABILITY OF EMPLOYERS FOR INJURIES RECEIVED BY EMPLOYEES IN THE COURSE OF THEIR EMPLOYMENT. Chap. 110

Resolved, That the commission which was appointed under chapter one hundred and twenty of the resolves of the year nineteen hundred and ten to determine upon a plan of compensating employees for injuries sustained in the course of their employment is hereby continued until the first day of July, nineteen hundred and twelve. The commission shall continue its studies and investigation, and shall collect and compile statistical data of accidents to employees, and other pertinent information, and shall report to the general court on or before May first, nineteen hundred and twelve, with drafts of such bills as it may recommend for legislation. Every employer shall hereafter, until July first, nineteen

Commission on liability of employees, etc., authority continued.

Report.

hundred and twelve, keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment; and within forty-eight hours, not counting Sundays and legal holidays, after the occurrence of an accident resulting in personal injury to an employee a report thereof shall be made in writing by the employer to the commission on blanks furnished for the purpose. Upon the termination of the disability of the injured employee or, if such disability extends beyond a period of sixty days, at the expiration of that period, the employer shall make a supplemental report on blanks furnished by the commission for the purpose. The said reports shall state the name and nature of the business of the employer, the location of his establishment, the name, age, sex and occupation of the injured employee, the date and hour of the accident, the nature and cause of the injury, and such other information as may be required by the commission. Any employer who refuses or neglects to make a report required by this resolve shall be punished by a fine of not more than fifty dollars for each offence. The total additional expense to be incurred under this resolve shall not exceed the sum of thirteen thousand dollars.

Approved June 30, 1911.

*Chap.*111 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Massachusetts
Agricultural
College.

Resolved, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding one hundred twenty-two thousand five hundred dollars, to be expended at the Massachusetts Agricultural College, under the direction of the trustees thereof, for the following purposes, to wit: — For certain improvements at the west experiment station building, a sum not exceeding seventy-five hundred dollars; for a dairy building and equipment, a sum not exceeding seventy-five thousand dollars; for equipment of the various departments, a sum not exceeding ten thousand dollars; for general repairs about the institution buildings, offices, etc., a sum not exceeding fifteen thousand dollars; for small buildings for bee-keeping, sheep sheds, storing for plumbing and carpenter equipment and general improvements, a sum not exceeding fifteen thousand dollars.

Approved June 30, 1911.

RESOLVE TO AUTHORIZE THE TRUSTEES OF THE STATE FARM *Chap.112*
TO SETTLE THE CLAIM OF CORNELIUS J. DONOVAN FOR
PERSONAL INJURIES.

Resolved, That the trustees of the state farm are hereby authorized to settle the claim of Cornelius J. Donovan for an injury sustained by him in the loss of four fingers from his left hand, while working in the woodworking department at the state farm on the eleventh day of April, nineteen hundred and eleven, by paying to him a sum not exceeding five hundred dollars in full compensation for said injury and upon the execution and delivery by him of a suitable release. The said sum shall be paid from the State Farm Industries Fund.

Trustees of the state farm may settle a certain claim.

Approved June 30, 1911.

RESOLVE RELATIVE TO IMPROVING THE PRESENT METHOD OF *Chap.113*
LIGHTING, HEATING AND VENTILATING THE STATE HOUSE
AND OPERATING THE ELEVATORS THEREIN.

Resolved, That the state house commission, provided for by section seventeen of chapter ten of the Revised Laws, is hereby authorized and directed to investigate the present method of lighting, heating and ventilating the state house and of operating the elevators therein, and the probable cost of substituting modern methods therefor. The commission shall report the result of its investigation to the general court not later than the tenth day of January, nineteen hundred and twelve, with such recommendations as it may deem advisable, and may expend for this purpose from the treasury of the commonwealth, a sum not exceeding five hundred dollars.

Lighting, heating and ventilating the state house, etc.

Approved July 3, 1911.

RESOLVE TO PROVIDE FOR THE ACQUIRING OF ADDITIONAL *Chap.114*
LAND FOR THE MOUNT EVERETT RESERVATION.

Resolved, That there be allowed and paid out of the treasury of the commonwealth, to be expended under the direction of the Mount Everett reservation commission, a sum not exceeding two thousand dollars for the purpose of acquiring such lands adjoining the present Mount Everett reservation as said commission may deem necessary for the purpose of providing a suitable approach to the reservation from the highway, as authorized by chapter five

Mount Everett reservation.

hundred and seventy-one of the acts of the year nineteen hundred and eight, the same to be in addition to any amount heretofore appropriated for this purpose.

Approved July 7, 1911.

Chap.115 RESOLVE TO PROVIDE FOR PURCHASING ADDITIONAL LAND FOR THE MOUNT SUGAR LOAF STATE RESERVATION.

Mount Sugar
Loaf reserva-
tion.

Resolved, That there be allowed and paid out of the treasury of the commonwealth for the purchase of additional land for the Mount Sugar Loaf state reservation on the westerly and northerly sides thereof, a sum not exceeding five thousand dollars, to be expended under the direction of the trustees of the said reservation.

Approved July 7, 1911.

Chap.116 RESOLVE IN FAVOR OF THE LOWELL TEXTILE SCHOOL.

Lowell textile
school.

Resolved, That there be allowed and paid out of the treasury of the commonwealth to the trustees of the Lowell textile school the sum of forty thousand dollars, to be applied to the purposes of the school: *provided,* that no part of this sum shall be paid until satisfactory evidence is furnished to the auditor of the commonwealth that an additional sum of eight thousand dollars has been received by them from other sources. The city of Lowell is hereby authorized to raise by taxation and pay to said trustees such sum of money, not exceeding eight thousand dollars, as may be necessary, together with that received from other sources, to obtain the amount authorized by this resolve.

Approved July 10, 1911.

Chap.117 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE LOWELL TEXTILE SCHOOL.

Lowell textile
school.

Resolved, That there be allowed and paid out of the treasury of the commonwealth to the trustees of the Lowell textile school the sum of twenty-two thousand seven hundred dollars, of which the sum of thirteen thousand three hundred and fifty dollars shall be expended for completing the construction of the new boiler and engine house, and the sum of nine thousand three hundred and fifty dollars for moving and setting up boilers and engines, for piping, electrical switch boards and wiring, and for stokers

with flues necessary to connect the power plant with the main buildings and equipment of the school. Also the further sum of sixty-nine hundred and fifty-five dollars, of which sum forty-four hundred and fifty-five dollars shall be expended for additional equipment for the machine shop of the school, and twenty-five hundred dollars for equipment for the department of woolen and worsted yarns.

Approved July 10, 1911.

RESOLVE TO PROVIDE FOR AN INVESTIGATION AND A REPORT
CONCERNING CHARGES FOR COMMUTATION TICKETS BY
RAILROAD CORPORATIONS. *Chap. 118*

Resolved, That the board of railroad commissioners is hereby requested to continue its consideration and investigation of the issue by railroad corporations of quarterly and monthly tickets at a proportional rate or at a more equitable rate than is now charged; and to enlarge its investigation to include a study of the equalization of all rates for commutation tickets, and a form of uniform commutation ticket upon all the railroads of the commonwealth, and to report to the next general court, not later than February fifteenth, with its recommendations in the premises, and a draft of a bill authorizing the board to determine and fix rates and forms of ticket as aforesaid. The board is further requested, as a part of the said investigation, to consider and report upon the specific proposals for legislation contained in house bills numbered five hundred and eight and eleven hundred and forty-two of nineteen hundred and eleven, and in the accompanying petitions.

Commutation
tickets on
railroads.

Report.

Approved July 10, 1911.

RESOLVE IN FAVOR OF THE NEW BEDFORD TEXTILE SCHOOL. *Chap. 119*

Resolved, That there be allowed and paid out of the treasury of the commonwealth the sum of twenty thousand dollars, to be expended by the trustees of the New Bedford textile school for the purposes of the school: *provided,* that no part of this sum shall be paid until satisfactory evidence has been furnished to the auditor of the commonwealth that an additional sum of ten thousand dollars has been paid to the said trustees by the city of New Bedford or has been received by them from other sources. The city of New Bedford is hereby authorized

New Bedford
textile school.

to raise by taxation and pay to said trustees such sum of money, not exceeding ten thousand dollars, as may be necessary to secure the amount provided for by this resolve.

Approved July 10, 1911.

Chap.120 RESOLVE DIRECTING THE METROPOLITAN PARK COMMISSION TO INVESTIGATE THE COST OF ACQUIRING LAND AND CONSTRUCTING A BOULEVARD AROUND LAKE QUANNAPOWITT IN THE TOWN OF WAKEFIELD.

Construction
of a boulevard
around Lake
Quannapowitt
in Wakefield.

Resolved, That the metropolitan park commission shall ascertain the cost of taking, or otherwise acquiring land for park purposes bordering upon Lake Quannapowitt in the town of Wakefield, and of constructing a boulevard around said lake, and report to the next general court during the first week in January. *Approved July 12, 1911.*

Chap.121 RESOLVE RELATIVE TO AN INVESTIGATION OF THE SUBJECT OF THE COLD STORAGE OF FOOD AND FOOD PRODUCTS.

Cold storage
of food, etc.

Resolved, That the governor, with the advice and consent of the council, shall, within thirty days after the passage of this resolve, appoint a commission of five persons, citizens of the commonwealth, to investigate the subject of the cold storage of food and of food products kept in cold storage. The members of the commission shall receive such compensation and may incur such expenses in the performance of their duties as may be authorized by the governor and council; and the commission shall report to the general court on or before the second Wednesday in January in the year nineteen hundred and twelve. The provisions of section twenty-one of chapter three of the Revised Laws shall not apply to appointments made hereunder.

Approved July 12, 1911.

Chap.122 RESOLVE TO PROVIDE FOR PAYMENT OF THE EXPENSES OF THE METROPOLITAN PARKS APPORTIONMENT COMMISSION.

Metropolitan
parks ap-
portionment
commission.

Resolved, That there be allowed and paid out of the Metropolitan Parks Maintenance Fund, to be expended under the direction of the metropolitan park commission, the following sums: — For services and personal expenses of the apportionment commissioners appointed by the supreme judicial court under authority of chapter four hundred and nineteen of the acts of the year eighteen hundred

and ninety-nine for the purpose of making the apportionment required by said act for five years beginning with the year nineteen hundred and eleven, the sum of nine thousand sixty-nine dollars and twenty-one cents. For expenses of publication of the report of said apportionment commissioners, the sum of forty-four dollars and seven cents. For clerical and other incidental expenses, such sums, not exceeding in the aggregate fifteen hundred and seventy dollars, as said apportionment commissioners, or a majority thereof, may approve.

Approved July 13, 1911.

RESOLVE TO PROVIDE FOR ADDITIONAL LAND AND BUILDINGS FOR THE BRADFORD DURFEE TEXTILE SCHOOL OF FALL RIVER.

Chap.123

Resolved, That there be allowed and paid out of the treasury of the commonwealth to the trustees of The Bradford Durfee Textile School of Fall River the sum of five thousand dollars, for the purchase of land, and the sum of ten thousand dollars for the erection of buildings thereon and the equipment of the same.

Bradford
Durfee
Textile
School of
Fall River.

Approved July 15, 1911.

RESOLVES IN FAVOR OF THE BRADFORD DURFEE TEXTILE SCHOOL OF FALL RIVER.

Chap.124

Resolved, That there be allowed and paid out of the treasury of the commonwealth to the trustees of The Bradford Durfee Textile School the sum of twenty-seven thousand dollars, to be applied to the purposes of the school: *provided,* that no part of this sum shall be paid until satisfactory evidence is furnished to the auditor of the commonwealth that an additional sum of eight thousand dollars has been paid to said trustees by the city of Fall River or has been received by them from other sources. The city of Fall River is hereby authorized to raise by taxation and pay to said trustees such sum of money, not exceeding eight thousand dollars, as may be necessary, together with that received from other sources, to obtain the amount authorized by this resolve.

Bradford
Durfee
Textile
School of
Fall River.

Resolved, That there be allowed and paid out of the treasury of the commonwealth to the trustees of The Bradford Durfee Textile School of Fall River the sum of eleven thousand dollars for the purchase of new machinery and equipment for the school and for the rearrangement of the various departments therein.

Approved July 15, 1911.

Chap.125 RESOLVE TO PROVIDE FOR THE PURCHASE OF LAND ADJACENT
TO THE STATE NORMAL SCHOOL AT FITCHBURG.

Fitchburg
normal school.

Resolved, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding twenty-five thousand dollars, to be expended under the direction of the board of education, for the purchase of a tract of land in the city of Fitchburg lying west of North street and adjacent to the state normal school.

Approved July 15, 1911.

Chap.126 RESOLVE TO CONFIRM THE ACTS OF EDWIN F. THAYER AS A
JUSTICE OF THE PEACE.

Acts of
Edwin F.
Thayer,
justice of the
peace,
confirmed.

Resolved, That the acts of Edwin F. Thayer of Attleborough as a justice of the peace, between the sixteenth day of December, nineteen hundred and ten, and the twenty-second day of June, nineteen hundred and eleven, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of the said office.

Approved July 15, 1911.

Chap.127 RESOLVE TO PROVIDE ADDITIONAL COMPENSATION FOR THE
PAGES OF THE GENERAL COURT.

Pages of the
general court.

Resolved, That there be allowed and paid out of the treasury of the commonwealth from the ordinary revenue, a sum not exceeding one thousand one hundred dollars, to be expended by the sergeant-at-arms in the payment of additional compensation to the pages employed by the general court.

Approved July 15, 1911.

Chap.128 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE
WESTBOROUGH STATE HOSPITAL.

Westborough
state hospital.

Resolved, That there be allowed and paid out of the treasury of the commonwealth for improvements at the Westborough state hospital the following sums, to be expended under the direction of the trustees of the hospital: — For an extension of the sewerage beds, a sum not exceeding one thousand nine hundred dollars; for a double veranda on the Codman building, a sum not exceeding two thousand dollars; and for remodeling and enlarging cottages A and B, a sum not exceeding fifteen thousand dollars.

Approved July 15, 1911.

RESOLVE TO PROVIDE FOR IMPROVEMENTS AT THE GARDNER STATE COLONY. *Chap.129*

Resolved, That there be allowed and paid out of the treasury of the commonwealth the following sums for improvements at the Gardner state colony, to be expended under the direction of the trustees thereof:—For constructing and furnishing a house for thirty male patients and for the water supply therefor, a sum not exceeding eleven thousand six hundred dollars; for constructing and furnishing an employees' house, a sum not exceeding five thousand dollars; for an extension of the coal trestle, a sum not exceeding twelve hundred dollars; and for extending the water system, a sum not exceeding three thousand six hundred dollars.

Approved July 15, 1911.

RESOLVE TO PROVIDE AN ADDITIONAL SUM OF MONEY FOR CLERICAL ASSISTANCE IN THE OFFICE OF THE CLERK OF THE HOUSE OF REPRESENTATIVES. *Chap.130*

Resolved, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding three hundred dollars, for the purpose of meeting expenses for clerical assistance in the office of the clerk of the house of representatives during the present session of the general court, this amount to be in addition to any amount heretofore authorized for the same purpose.

Approved July 15, 1911.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED. *Chap.131*

Resolved, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding fifteen thousand dollars, to be expended at the Massachusetts School for the Feeble-Minded under the direction of the trustees thereof for constructing and furnishing an addition to the south nurses' home.

Approved July 17, 1911.

RESOLVE TO PROVIDE ADDITIONAL COMPENSATION FOR THE SPECIAL COMMITTEE APPOINTED TO INVESTIGATE THE SUICIDE OF JOHN NEWMAN AND THE TREATMENT OF INMATES AT THE LYMAN SCHOOL FOR BOYS. *Chap.132*

Resolved, That there be allowed and paid out of the treasury of the commonwealth the sum of twenty-one hun-

Gardner
state colony.

Clerical
assistance to
the clerk of
the house.

Massachusetts
School for the
Feeble-
Minded.

Compensation
of a special
committee of

the general
court.

dred dollars, as additional compensation to the members of the special committee appointed under an order adopted by the house of representatives of the year nineteen hundred and ten to investigate the suicide of John Newman and the treatment of the inmates at the Lyman school for boys, as follows: — To Harry H. Ham, chairman, the sum of four hundred and fifty dollars; to David C. Ahearn, clerk, the sum of four hundred and fifty dollars; to Henry Bond, the sum of four hundred dollars; to Zebedee E. Cliff, the sum of four hundred dollars; and to Cornelius J. Carmody, the sum of four hundred dollars.

(The foregoing was laid before the Governor on the eleventh day of July, 1911, and after five days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap.133

RESOLVE IN FAVOR OF SALEM P. HADDOCK.

Salem P.
Haddock.

Resolved, That there be added to the amount of the appropriation for the Metropolitan Parks Maintenance Fund, the sum of nine hundred thirty-five dollars and seventy-five cents, being a part of the pension money due Salem P. Haddock, a former police officer of the metropolitan park commission, under the provisions of chapter four hundred and fifty-three of the acts of the year nineteen hundred and nine; this additional sum being for that part of the period between the date of his injury and November thirtieth, nineteen hundred and eleven, during which he received no pay.

Approved July 18, 1911.

Chap.134 RESOLVE IN FAVOR OF THE WIDOW OF HENRY E. TURNER.

Hulda S.
Turner.

Resolved, That there be allowed and paid out of the treasury of the commonwealth to Hulda S. Turner of Malden, widow of the late Henry E. Turner, auditor of the commonwealth, the remainder of the salary to which he would have been entitled had he lived to serve out his term as auditor.

Approved July 18, 1911.

Chap.135 RESOLVE TO DIRECT THE METROPOLITAN PARK COMMISSION TO INVESTIGATE AND REPORT UPON THE ADVISABILITY AND COST OF A PARKWAY CONNECTION BETWEEN WINTHROP PARKWAY IN THE TOWN OF REVERE AND WINTHROP SHORE RESERVATION IN THE TOWN OF WINTHROP.

Parkway in
the towns of
Revere and
Winthrop.

Resolved, That the metropolitan park commission is hereby directed to investigate the advisability and the cost of

acquiring land to form a connection between Winthrop parkway in the town of Revere and Winthrop shore reservation in the town of Winthrop, and of constructing thereon a parkway or driveway, and of protecting the shore between these points. The commission shall report in print to the next general court not later than the first Monday in January. For the purpose of carrying out this resolve, said commission may expend out of the Metropolitan Parks Maintenance Fund a sum not exceeding two hundred and fifty dollars.

Approved July 19, 1911.

RESOLVE TO PROVIDE FOR AN ADDITIONAL WATER SUPPLY Chap.136
AT THE LAKEVILLE STATE SANATORIUM.

Resolved, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding three thousand dollars, to be expended at the Lakeville state sanatorium, under the direction of the trustees thereof, for the purpose of providing an additional water supply at said institution.

Lakeville
state
sanatorium.

Approved July 19, 1911.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE Chap.137
MONSON STATE HOSPITAL.

Resolved, That there be allowed and paid out of the treasury of the commonwealth the following sums for improvements at the Monson state hospital, to be expended under the direction of the trustees thereof: — For alterations in the machine shop and storehouse and for fireproofing and refrigerating purposes, a sum not exceeding three thousand dollars; and for constructing and equipping an addition to the laundry, a sum not exceeding fifteen thousand dollars.

Monson
state hospital.

Approved July 19, 1911.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE Chap.138
WESTFIELD STATE SANATORIUM.

Resolved, That there be allowed and paid out of the treasury of the commonwealth for certain improvements at the Westfield state sanatorium, to be expended under the direction of the trustees thereof, a sum not exceeding thirty-eight hundred dollars, for the following purposes: — For a recreation and employment building, a sum not exceeding eighteen hundred dollars; for enlarging locker rooms

Westfield state
sanatorium.

and diet kitchens and for additional piazzas, a sum not exceeding one thousand dollars; and for grading, a sum not exceeding one thousand dollars.

Approved July 19, 1911.

Chap.139 RESOLVE TO PROVIDE FOR NEW BOILERS, A BOILER HOUSE AND CHIMNEY AT THE STATE PRISON.

State prison.

Resolved, That there be allowed and paid out of the State Prison Industries Fund a sum not exceeding five thousand dollars, to be expended under the direction of the prison commissioners for new boilers, a boiler house and chimney at the state prison in Boston.

Approved July 19, 1911.

Chap.140 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE INDUSTRIAL SCHOOL FOR BOYS.

Industrial school for boys.

Resolved, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding thirty-four thousand four hundred and fifty dollars, to be expended for improvements at the industrial school for boys, under the direction of the trustees thereof, for the following purposes: — For installation of a telephone system, a sum not exceeding five hundred dollars; for the construction of a piggery, a sum not exceeding eleven hundred and fifty dollars; for moving and resetting a tenement cottage and attaching an ell thereto, a sum not exceeding four hundred dollars; for a steam heating system in the brick cottage, a sum not exceeding six hundred dollars; for constructing a sidewalk, a sum not exceeding three hundred dollars; for lighting and power, for a shop building and for the equipment of the said building, and for connecting the lighting and heating system, a sum not exceeding thirty-one thousand five hundred dollars.

Approved July 19, 1911.

Chap.141 RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO DETERMINE WHAT DAMAGES SHALL BE PAID TO THE TOWN OF STONEHAM BY REASON OF THE TAKING FOR THE METROPOLITAN WATER WORKS OF SPOT POND.

Taking of Spot pond in the town of Stoneham.

Resolved, That, upon the acceptance of this resolve by the town of Stoneham, but not more than one year after the passage thereof, said town may file in the clerk's

office of the superior court for the county of Middlesex a petition for the determination of the damages sustained by it by reason of any taking or act of the metropolitan water board or of the metropolitan water and sewerage board under authority of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, and acts in amendment thereof and in addition thereto, and thereupon, after such notice as said court shall order, the court shall appoint a commission of three disinterested persons. The commission shall, after notice and hearing, determine the damages specified in the petition which said town sustained as aforesaid and could have recovered upon a petition filed in accordance with the provisions of section thirteen of said chapter four hundred and eighty-eight, and shall report its determination to said court. Such determination, when accepted by the court, shall be final and conclusive, and the town shall thereupon be precluded from bringing any further action to recover for any damages caused as aforesaid. The court may allow the members of said commission reasonable compensation for their services, and the compensation so allowed and the damages, if any, determined as aforesaid shall be paid from the treasury of the commonwealth, and thereafter shall be apportioned and paid in the same manner in which the other expenses of the metropolitan water and sewerage board are apportioned and paid.

Approved July 19, 1911.

RESOLVE RELATIVE TO CERTAIN DUTIES OF THE DIRECTOR *Chap.142*
OF THE BUREAU OF STATISTICS.

Resolved, That the director of the bureau of statistics be required to make a special investigation and to report the results thereof, with such proposed legislation thereon as he deems necessary, to the next general court, relative to the indebtedness of the cities and towns of the commonwealth, including loans made in anticipation of taxes, the amount and character of indebtedness incurred within and without the debt limit, so-called, respectively, and the amount of debt outstanding against which no sinking funds are being accumulated or for the extinguishment of which no annual payments of principal have been provided in accordance with law. For the purpose of carrying out the provisions of this resolve said director may employ such additional assistants, who shall not be subject to

Director of
the bureau
of statistics.

chapter nineteen of the Revised Laws and the rules thereunder, and may incur such incidental expenses, as may be approved by the governor and council.

Approved July 19, 1911.

Chap.143 RESOLVE DIRECTING THE PRISON COMMISSIONERS TO REPORT TO THE NEXT GENERAL COURT A PLAN RELATIVE TO PRISON INDUSTRIES.

Prison
industries.

Resolved, That the prison commissioners are hereby directed to report to the general court on or before the second Wednesday of January, nineteen hundred and twelve, a plan for utilizing the products of the labor of prisoners in the penal institutions of the commonwealth by the public institutions referred to in section forty-five of chapter two hundred and twenty-five of the Revised Laws and in chapter four hundred and fourteen of the acts of the year nineteen hundred and ten, either by the extension of the State Use System, so-called, or by such other method as, in the judgment of the commissioners, will best provide for the employment of prisoners in useful and diversified industries and the utilizing of the products of their labor in such way as least to injure free workmen. The commissioners shall accompany their report with recommendations for legislation to carry out the purposes of this resolve and with drafts of bills embodying such recommendations.

Approved July 19, 1911.

Chap.144 RESOLVE TO PROVIDE FOR A REPRESENTATION OF THE COMMONWEALTH AT THE AMERICAN LAND AND IRRIGATION EXPOSITION.

American
Land and
Irrigation
Exposition.

Resolved, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding one thousand dollars, to be expended by the secretary of the state board of agriculture for a proper representation of the commonwealth at the American Land and Irrigation Exposition to be held at Madison Square Garden, New York city, in the month of November of the present year, in the interest of agriculture.

Approved July 20, 1911.

Chap.145 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT PENIKESSE HOSPITAL.

Penikese
hospital.

Resolved, That there be allowed and paid out of the treasury of the commonwealth for certain improvements

at Penikese hospital, to be expended under the direction of the state board of charity, a sum not exceeding three thousand three hundred and fifty dollars, for the following purposes:— For additional water supply, a sum not exceeding two thousand dollars; and for furnishings in the new hospital building, a sum not exceeding one thousand three hundred and fifty dollars. *Approved July 20, 1911.*

RESOLVE TO PROVIDE FOR A COMMISSION TO INVESTIGATE THE ENGINEERING EXPENSES OF THE COMMONWEALTH. *Chap.146*

Resolved, That the chairman of the board of harbor and land commissioners, the chairman of the Massachusetts highway commission, the chairman of the state board of health, the chairman of the metropolitan park commission and the chairman of the metropolitan water and sewerage board shall be a commission on engineering expenses of the commonwealth, and shall investigate the engineering salaries and expenses of the various departments, boards and commissions of the commonwealth and shall determine whether there should be any reorganization, regrouping or change in the methods of engineering done by the state boards, commissions and departments, and shall report its findings to the general court not later than January fifteenth, nineteen hundred and twelve. For the purposes of carrying out the provisions of this resolve there may be expended out of the treasury of the commonwealth a sum not exceeding one thousand dollars. *Approved July 21, 1911.*

Engineering
expenses of the
commonwealth.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE INFIRMARY. *Chap.147*

Resolved, That there be allowed and paid out of the treasury of the commonwealth for improvements at the state infirmary, the following sums, to be expended under the direction of the trustees of the infirmary:— For additions to and alterations in the chapel, a sum not exceeding eleven thousand five hundred dollars; for construction of a women's special ward, a sum not exceeding twenty-two thousand dollars; and for the purchase of real estate, a sum not exceeding one thousand two hundred dollars.

State
infirmary.

Approved July 22, 1911.

Chap.148 RESOLVE TO PROVIDE FOR IMPROVEMENTS AT THE MASSACHUSETTS HOSPITAL SCHOOL.

Massachusetts
hospital
school.

Resolved, That there be allowed and paid out of the treasury of the commonwealth for improvements at the Massachusetts hospital school, to be expended under the direction of the trustees thereof, the following sums:—For a new barn, wagon shed and root cellar, a sum not exceeding six thousand dollars; and for an assembly hall, to be constructed of wood, a sum not exceeding twenty thousand dollars.

Approved July 22, 1911.

Chap.149 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE WORCESTER STATE ASYLUM.

Worcester
state asylum.

Resolved, That there be allowed and paid out of the treasury of the commonwealth for improvements at the Worcester state asylum, the following sums, to be expended under the direction of the trustees of the asylum:—For constructing and furnishing a house for fifty female nurses, a sum not exceeding twenty-nine thousand three hundred dollars; for constructing and furnishing two buildings to hold fifty patients each, a sum not exceeding forty thousand dollars; for constructing a storehouse, a sum not exceeding seventeen thousand one hundred dollars; and for the purchase and installation of a boiler, a sum not exceeding two thousand dollars. *Approved July 22, 1911.*

Chap.150 RESOLVE TO PROVIDE FOR IMPROVEMENTS AT THE WORCESTER STATE HOSPITAL.

Worcester
state hospital.

Resolved, That there be allowed and paid out of the treasury of the commonwealth the following sums, to be expended for improvements at the Worcester state hospital, under the direction of the trustees thereof:—For altering and repairing the Salisbury ward in order to provide for twenty-one male patients, a sum not exceeding ten thousand dollars; and for the construction of two passenger elevators, a sum not exceeding two thousand one hundred dollars.

Approved July 22, 1911.

Chap.151 RESOLVE TO PROVIDE FOR A NEW ARMORY IN THE TOWN OF WAKEFIELD.

Town of
Wakefield.

Resolved, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding fifty-five thousand

dollars, to be expended by the armory commissioners in accordance with the provisions of section one hundred and thirty-three of chapter six hundred and four of the acts of the year nineteen hundred and eight, as amended by chapter three hundred and twenty-three of the acts of the year nineteen hundred and nine, in building and equipping an armory in the town of Wakefield to replace the armory recently destroyed by fire; and the treasurer and receiver general is hereby directed to issue bonds for the said sum in accordance with the provisions of section one hundred and thirty-five of said chapter six hundred and four.

Approved July 24, 1911.

RESOLVE TO PROVIDE FOR A SYSTEM OF SEWERAGE AT THE *Chap.152*
WRENTHAM STATE SCHOOL.

Resolved, That there be allowed and paid out of the treasury of the commonwealth, a sum not exceeding thirteen thousand dollars, to be expended at the Wrentham state school under the direction of the trustees thereof, for a general system of sewerage including filtration beds. Wrentham
state school.

Approved July 28, 1911.

RESOLVE TO PROVIDE FOR PRINTING ADDITIONAL COPIES OF *Chap.153*
THE REPORT OF THE COMMISSION APPOINTED TO INVESTIGATE THE QUESTION OF THE INCREASE OF CRIMINALS, MENTAL DEFECTIVES, EPILEPTICS, DEGENERATES AND ALLIED CLASSES.

Resolved, That there be printed fifteen hundred additional copies of the report of the commission appointed under chapter fifty-nine of the resolves of the year nineteen hundred and ten, to investigate the question of the increase of criminals, mental defectives, epileptics, degenerates and allied classes. The said additional copies shall be distributed under the direction of the secretary of the commonwealth. Printing
additional
copies of
report.

Approved July 28, 1911.

RESOLVE TO PROVIDE FOR THE PREPARATION AND PRINTING *Chap.154*
OF AN ANNOTATED EDITION OF THE INSURANCE LAWS.

Resolved, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding seven Insurance
laws.

hundred dollars for the preparation and printing of an annotated edition of the insurance laws of the commonwealth, the work to be done under the direction of the insurance commissioner. *Approved July 28, 1911.*

Chap.155 RESOLVE RELATIVE TO MILEAGE TO BE PAID TO THE MEMBERS OF THE GENERAL COURT FOR THE CURRENT YEAR.

Mileage of members of the general court.

Resolved, That each member of the general court shall receive for the current year in addition to any amounts already authorized eighty cents for every mile of travelling distance from his place of abode to the place of sitting of the general court. *Approved July 28, 1911.*

Chap.156 RESOLVE TO PROVIDE FOR IMPROVEMENTS AT THE NORTH-AMPTON STATE HOSPITAL.

Northampton state hospital.

Resolved, That there be allowed and paid out of the treasury of the commonwealth the following sums to be expended under the direction of the trustees of the Northampton state hospital: — For additions to and improvements in the bakery of the said hospital, a sum not exceeding six thousand five hundred dollars; and for a new laundry building and the equipment of the same, a sum not exceeding forty thousand four hundred and twenty-five dollars. *Approved July 28, 1911.*

Chap.157 RESOLVE TO PROVIDE FOR THE CONSTRUCTION OF A BRIDGE AND APPROACHES THERETO TO CARRY THE DRIVEWAY OF THE QUINCY SHORE RESERVATION OVER THE TRACKS OF THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY IN THE CITY OF QUINCY.

Quincy shore reservation in the city of Quincy.

Resolved, That there be allowed and paid out of the Metropolitan Parks Maintenance Fund a sum not exceeding twenty thousand dollars, to be expended under the direction of the Metropolitan park commission for the purpose of constructing, or of contributing toward the expense of constructing, a bridge and approaches thereto to carry the driveway of Quincy shore reservation over the tracks of the New York, New Haven and Hartford Railroad Company in the city of Quincy. *Approved July 28, 1911.*

RESOLVE TO PROVIDE FOR AN INVESTIGATION BY THE TAX COMMISSIONER OF THE TAXATION OF FOREIGN CORPORATIONS. *Chap. 158*

Resolved, That the tax commissioner is hereby directed to investigate the subject of the taxation of foreign corporations having a usual place of business in the commonwealth and to report to the next general court, on or before the first Wednesday in January, as to what changes, if any, should be made in the laws relating thereto, and whether, in connection therewith or otherwise, any change in the law relating to the taxation of incomes is desirable. The report of the tax commissioner shall be accompanied by drafts of any legislation necessary to carry out recommendations contained in such report. He shall give such public hearings as he deems necessary. For the purposes aforesaid he may require from boards of assessors and other public officials any information in their possession, and may incur such necessary expenses, to be paid from the treasury of the commonwealth, as the governor and council may approve. *Taxation of foreign corporations.*

Approved July 28, 1911.

PROPOSED AMENDMENTS TO THE CONSTITUTION.

The following proposed articles of amendment to the Constitution have been officially certified and deposited in the office of the secretary of the Commonwealth, as required by section 20 of chapter 3 of the Revised Laws, and if agreed to by the general court next to be chosen, in the manner provided by the Constitution, must be submitted to the people for their ratification or rejection: —

RESOLVE TO PROVIDE FOR AN AMENDMENT TO THE CONSTITUTION DISQUALIFYING FROM VOTING PERSONS CONVICTED OF CERTAIN OFFENCES.

Resolved, That it is expedient to alter the constitution of the commonwealth by the adoption of the subjoined article of amendment; and that the said article, being agreed to by a majority of the senators and two thirds of the members of the house of representatives present and voting thereon, be entered on the journals of both houses, with the yeas and nays taken thereon, and be referred to the general court next to be chosen; and that the said article be published, to the end that if agreed to in the manner provided by the constitution, by the general court next to be chosen, it may be submitted to the people for their approval and ratification, in order that it may become a part of the constitution of the commonwealth.

Proposed
article of
amendment
to the con-
stitution.

ARTICLE OF AMENDMENT.

Article three of the amendments to the Constitution is hereby amended by inserting after the word “guardianship”, in line two, the following: — and persons temporarily or permanently disqualified by law because of corrupt practices in respect to elections.

Certain
persons
disqualified
from voting.

HOUSE OF REPRESENTATIVES, April 7, 1911.

The foregoing article of amendment is agreed to, two thirds of the members of the house of representatives present and voting thereon having voted in the affirmative; and the same is referred to the general court next to be chosen.

JOSEPH WALKER, *Speaker*.

SENATE, April 13, 1911.

The foregoing article of amendment is agreed to, a majority of the senators present and voting thereon having voted in the affirmative; and the same is referred in concurrence to the general court next to be chosen.

ALLEN T. TREADWAY, *President*.

RESOLVE TO PROVIDE FOR AN AMENDMENT TO THE CONSTITUTION RELATIVE TO THE TAXATION OF WILD OR FOREST LANDS.

Proposed
article of
amendment
to the con-
stitution.

Resolved, That it is expedient to alter the constitution of the commonwealth by the adoption of the subjoined article of amendment; and that the said article, being agreed to by a majority of the senators and two thirds of the members of the house of representatives present and voting thereon, be entered on the journals of both houses, with the yeas and nays taken thereon, and be referred to the general court next to be chosen; and that the said article be published, to the end that if agreed to in the manner provided by the constitution, by the general court next to be chosen, it may be submitted to the people for their approval and ratification, in order that it may become a part of the constitution of the commonwealth.

ARTICLE OF AMENDMENT.

The general
court to
prescribe
methods of
taxation of
wild or
forest lands.

Full power and authority are hereby given and granted to the general court to prescribe for wild or forest lands such methods of taxation as will develop and conserve the forest resources of the commonwealth.

SENATE, July 6, 1911.

The foregoing article of amendment is agreed to, a majority of the senators present and voting thereon having voted in the affirmative; and the same is referred to the general court next to be chosen.

ALLEN T. TREADWAY, *President*.

HOUSE OF REPRESENTATIVES, July 13, 1911.

The foregoing article of amendment is agreed to, two thirds of the members of the house of representatives present and voting thereon having voted in the affirmative; and the same is referred in concurrence to the general court next to be chosen.

JOSEPH WALKER, *Speaker*.

RESOLUTIONS.

RESOLUTION OF APPRECIATION OF THE CHARACTER OF CHARLES SUMNER.

Resolved, That the general court of Massachusetts on this, the hundredth anniversary of his birth, hereby records its appreciation of the character of Charles Sumner and its pride in the part he, a son of Massachusetts, took in the struggle against slavery. To him, more, perhaps, than to any other man save Lincoln, may be attributed the abolition of the servitude which disgraced our country, threatened its institutions, and stained our civilization. We commend as an example to future generations the courage and the energy which animated him in his fight against the greatest evil of his time, confident that Massachusetts will never be lacking in leaders who will open more largely to every citizen in this country the opportunities of life, liberty and the pursuit of happiness.

Of appreciation of the character of Charles Sumner.

In House of Representatives, adopted, January 6, 1911.

In Senate, adopted, in concurrence, January 10, 1911.

RESOLUTIONS RELATIVE TO RECIPROCAL INTERCHANGE OF COMMODITIES BETWEEN THE UNITED STATES AND CANADA.

Resolved, That the general court of the commonwealth of Massachusetts, believing that a reciprocal interchange of commodities between the United States and Canada, based on equitable and fair terms, would prove beneficial to the ultimate consumer and to the various manufacturing, farming, commercial and other interests of each of the two countries, hereby cordially approves any efforts made to bring about such results.

Relative to reciprocal interchange of commodities between the United States and Canada.

Resolved, That certified copies of these resolutions be sent by the secretary of the commonwealth to the president of

the United States, to the presiding officers of both houses of congress and to each of the senators and representatives in congress from Massachusetts.

In House of Representatives, adopted, February 15, 1911.

In Senate, adopted, in concurrence, February 16, 1911.

RESOLUTION RELATIVE TO THE ESTABLISHMENT OF A PARCELS POST SYSTEM BY THE GOVERNMENT OF THE UNITED STATES.

Relative to
the establish-
ment of a
parcels post
system.

Whereas, The postmaster general has urged the adoption of a parcels post system to be established and maintained by the post office department of the United States government; and

Whereas, We believe that the people of this commonwealth approve such a system, to extend to all grades of offices in the postal service; therefore, be it

Resolved, That the general court of Massachusetts commends a measure to this effect and is in favor of a general parcels post; but in view of the fact that our national government has already taken steps toward the introduction of such a parcels post system, it is deemed unnecessary to adopt Senate Resolutions No. 116 and House Resolutions No. 1230 of the current year.

In House of Representatives, adopted, April 6, 1911.

In Senate, adopted, in concurrence, April 12, 1911.

RESOLUTIONS RELATIVE TO WILLIAM M. OLIN, LATE SECRETARY OF THE COMMONWEALTH.

On the death
of William M.
Olin, late
secretary of
the common-
wealth.

Resolved, That the senate and the house of representatives share the common loss in the death of William M. Olin, for the past twenty years the faithful and honored secretary of the commonwealth. Punctilious and earnest in the discharge of his official duties, he early gained and always retained the confidence and esteem of his fellow citizens of all parties. The ardent patriotism which led him to enlist in the Union army, when a boy of sixteen years, and to serve for three years as a soldier during the civil war, lost none of its fervor with his advancing years. He was strongly attached to his comrades of the Grand Army of the Republic, and his latest activities were connected with them. It was fitting that, before his body was borne to its last resting place, it should

lie in the state house, surrounded by the battle flags of the commonwealth. Earnest patriot, faithful official, good citizen, his life was blameless and his end was peace. Long will his memory be cherished by the people of the commonwealth.

Resolved, That these resolutions be entered upon the journals of the senate and the house of representatives and that a copy be sent to the family of the late secretary.

In Senate, adopted, April 21, 1911.

In House of Representatives, adopted, in concurrence, April 25, 1911.

RESOLUTIONS RELATIVE TO THE GIFT BY RESIDENTS OF VIRGINIA TO MASSACHUSETTS OF A SITE FOR A MONUMENT ERECTED AT OR NEAR PETERSBURG, VIRGINIA, IN MEMORY OF MASSACHUSETTS SOLDIERS AND SAILORS WHO LOST THEIR LIVES DURING THE CIVIL WAR.

Whereas, The commission appointed under the provisions of chapter seventy-two of the resolves of the year nineteen hundred and ten, for the erection of a suitable monument at or near Petersburg, Virginia, in memory of soldiers and sailors from Massachusetts who lost their lives in the Army of the Potomac during the civil war, selected as a suitable site for the erection of the monument the lot of land hereinafter described; and

Relative to the gift of a site for a monument at or near Petersburg, Virginia.

Whereas, In compliance with the request of the members of the A. P. Hill Camp of Confederate Veterans of Petersburg, Virginia, a part of the Crater Farm, having a frontage of sixty feet on the Jerusalem Plank Road, so-called, and being the site selected by the commission for said monument, has been conveyed to the commonwealth of Massachusetts by the widow and heirs of Timothy R. Griffith, deceased, without expense to Massachusetts.

Resolved, That the general court of Massachusetts gratefully accepts the said conveyance in behalf of the commonwealth, and records its appreciation of the fraternal and patriotic spirit which actuated the veterans of the said camp in procuring the conveyance of this site to the commonwealth, and extends its thanks for the gift to Susan R. Griffith, the widow of said Timothy R. Griffith, and to Rebecca B. Lane, Mary A. Stephenson and James A. Young, heirs at law of the said Timothy R. Griffith.

Resolved, That copies of these resolutions be sent by the secretary of the commonwealth to the A. P. Hill Camp of Confederate Veterans and to the widow and heirs at law of the said Timothy R. Griffith.

In Senate, adopted, May 24, 1911.

In House of Representatives, adopted, in concurrence, May 26, 1911.

RESOLUTION OF SYMPATHY WITH PORTUS B. HANCOCK, WILLIAM N. HOWARD AND DANIEL CRONIN, MEMBERS OF THE HOUSE.

Of sympathy with certain members of the house of representatives.

Resolved, That the house of representatives hereby expresses its regret for the illness of Portus B. Hancock of Brockton, William N. Howard of Easton and Daniel Cronin of Boston, honored members of the house, assures them of its respect and sympathy, and expresses an earnest hope that they will speedily be restored to health.

In House of Representatives, adopted, July 28, 1911.

RESOLUTIONS ON THE DEATH OF THE HONORABLE HENRY E. TURNER, LATE AUDITOR OF THE COMMONWEALTH.

On the death of Henry E. Turner, late auditor of the commonwealth.

Resolved, That the general court desires to place on record some recognition of the faithful services performed by the Honorable Henry E. Turner, late auditor of the commonwealth. Mr. Turner held this office for ten years, and discharged its duties with the efficiency of one fitted for the task by natural abilities and by long training as a skilled accountant. That he performed them with scrupulous honesty, it is hardly necessary to add. Mr. Turner was descended from an Englishman who settled in Massachusetts in 1630, and he showed in his own person and character the solid, sterling qualities associated with the Puritan founders of this commonwealth. To these qualities he added a kindness and geniality all his own, and by which he will long be remembered by all who knew him.

Resolved, That these resolutions be entered upon the journals of the Senate and the house of representatives and that a copy be sent to the family of the late auditor.

In House of Representatives, adopted, July 28, 1911.

In Senate, adopted, in concurrence, July 28, 1911.

The general court of 1911, during its annual session, passed 719 acts and 153 resolves which received executive approval.

Twenty-eight (28) acts and five (5) resolves, entitled, respectively, "An Act relative to the salaries of the doorkeepers, assistant doorkeepers and messengers of the senate and house of representatives", (chapter 115); "An Act to establish the salary of the assistant clerk of courts for the county of Hampden", (chapter 174); "An Act to provide for clerical assistance for the treasurers of the counties of Essex and Middlesex", (chapter 270); "An Act relative to appeals and removals to the supreme judicial court and to execution on final decrees of the supreme and superior courts", (chapter 284); "An Act to authorize the reinstatement of Philip H. Shanley in the street department of the city of Boston", (chapter 295); "An Act relative to the appropriation for the food and drug department of the state board of health", (chapter 296); "An Act relative to retirement systems for the payment of annuities and pensions to employees of cities and towns", (chapter 338); "An Act to provide for the establishment of state bird and game preserves and the protection and propagation of wild birds and quadrupeds", (chapter 410); "An Act relative to the police court of Lynn", (chapter 414); "An Act to provide additional clerical assistance for the register of probate and insolvency for the county of Bristol", (chapter 452); "An Act relative to the laying out of a street across the Back Bay Fens in the city of Boston to connect Huntington avenue with Audubon road", (chapter 453); "An Act to provide clerical assistance for the clerk of the East Boston district court", (chapter 454); "An Act to establish the salary of the present deputy warden of the state prison", (chapter 467); "An Act relative to the retirement of certain veterans in the service of the city of New Bedford", (chapter 504); "An Act to authorize the reinstatement of Philip H. Shanley in the street department of the city of Boston", (chapter 505); "An Act to extend the time in which intoxicating liquors may be sold by innholders in the city of Springfield", (chapter 507); "An Act relative to season tickets issued by railroad corporations", (chapter 508); "An Act making appropriations for the Massachusetts Agricultural College", (chapter 533); "An Act to establish the salaries of Mary E. Halley and Mary A. Nason, members of the inspection department of the district police", (chapter 549); "An Act relative to the licensing of engineers and firemen", (chapter 562); "An Act relative to the Massachusetts Brick Company", (chapter 563); "An Act to provide for the widening of Pleasant street in the city of Boston", (chapter 591); "An Act to provide for the construction of sanitary stations in cities and in certain towns", (chapter 596); "An Act to encourage and promote the building and use of tuberculosis hospitals in cities and towns", (chapter 597); "An Act to provide for the control and regulation of fraternal benefit societies", (chapter 628); "An Act relative to employment in the night messenger service", (chapter 629); "An Act making appropriations for the suppression of the gypsy and brown tail moths", (chapter 630); "An Act to authorize the restoration of Thomas P. Roche to a position in the street department of the city of Boston", (chapter 712); "A

Resolve to provide for an investigation and report by the metropolitan park commission relative to making Parker Hill in the city of Boston a part of the metropolitan park system", (chapter 48); "A Resolve to provide for printing the report of the board of railroad commissioners, the tax commissioner and the bank commissioner on the assets and liabilities of the New York, New Haven and Hartford Railroad Company", (chapter 57); "A Resolve to provide for printing the report of the director of the bureau of statistics relative to certain outstanding debts of cities and towns", (chapter 58); "A Resolve to provide for the establishment of a fish hatchery", (chapter 68); and "A Resolve to provide additional compensation for the special committee appointed to investigate the suicide of John Newman and the treatment of inmates at the Lyman school for boys", (chapter 132); were passed, but failed to receive executive approval; but as they were not returned, with objections thereto, within five days after they had been received in the executive department, the general court not having been prorogued in the meantime, said acts and resolves have the force of laws, under the provisions of the constitution governing such cases, and have been so certified.

Nine acts, entitled, respectively, "An Act relative to qualifications for examination by the civil service commission", (chapter 119); "An Act to authorize the incorporation of medical milk commissions", (chapter 506); "An Act relative to wages of employees of the metropolitan park commission and of the metropolitan water and sewerage board", (chapter 541); "An Act relative to the salaries of watchmen in the state prison and in the Massachusetts reformatory", (chapter 542); "An Act to establish minimum salaries of judges and registers of probate and insolvency", (chapter 668); "An Act relative to retiring and pensioning prison officers and instructors", (chapter 673); "An Act to establish the salary of William H. Sanger as assistant clerk of the senate and the salary of Frank E. Bridgman as assistant clerk of the house of representatives", (chapter 674); "An Act to provide pensions for the district police of the commonwealth", (chapter 675); and "An Act relative to the compensation of members of the general court", (chapter 676); were passed and laid before the governor for his approval; were returned by him with his objections thereto, to the branch in which they respectively originated; were reconsidered, agreeably to the provisions of the constitution, and the vote being taken on passing the same, the objections of the governor thereto notwithstanding, they were passed, two thirds of the members of the senate and house of representatives present and voting thereon having voted in the affirmative, and said acts have thereby the force of laws.

Eight acts, entitled, respectively, "An Act relative to the promotion of call firemen in the fire department of the city of Marlborough", "An Act relative to the sale and distribution of milk", "An Act relative to the reinstatement of certain former members of the police department of the city of Boston", "An Act relative to pensioning members of the fire department of the city of Boston", "An Act relative to the extension of Boylston street across the Back Bay Fens in the city of Boston", "An Act relative to appropriations for the support of the public schools of the city of

Boston", "An Act to allow peaceful persuasion", and "An Act to provide for the establishment and maintenance of the independent agricultural school of the county of Essex", were passed and laid before the governor for his approval; were returned by him with his objections thereto, to the branch in which they respectively originated; were reconsidered, and the vote being taken on passing the same, the objections of the governor thereto notwithstanding, they were rejected, two thirds of the members present and voting thereon not having voted in the affirmative, and said acts thereby became void.

The general court also passed "A Resolve to provide for an amendment to the constitution disqualifying from voting persons convicted of certain offences", and "A Resolve to provide for an amendment to the constitution relative to the taxation of wild or forest land", which said resolves are filed in the office of the secretary of the commonwealth, for action by the general court of 1912.

The general court was prorogued on Friday, July 28, at 6.59 P.M., the session having occupied 206 days.

INAUGURAL ADDRESS

OF

HIS EXCELLENCY EUGENE N. FOSS.

At twelve o'clock on Thursday, the fifth day of January, his excellency the governor, accompanied by his honor the lieutenant governor, the members of the executive council, and officers of the civil and military departments of the government, met the senate and house of representatives, in convention, and delivered the following

ADDRESS.

Gentlemen of the General Court of Massachusetts.

We are here, in accord with time honored custom, to complete the inauguration of an executive. I am deeply sensible of the honor conferred and the obligation imposed. There are, however, weightier matters than the mere formality of inauguration confronting us, and to these we must address ourselves.

POPULAR GOVERNMENT.

We have reached a crisis in the affairs of this commonwealth. It is a crisis which our form of government is facing to-day not only in Massachusetts but in every state of the union. This crisis is all the more marked in our state because Massachusetts is the birthplace of popular government.

The people, in all sections of the country, have lost confidence in many of their public servants. The dictatorship by political bosses and by representatives of special interests is hotly resented, for these men desire to control public servants and to direct legislation to their own ends. They do not desire the enactment of laws guaranteeing justice to all and privilege to none.

Massachusetts has always been the leader at every great turning point in the policy of the nation, and she must lead to-day in restoring the government into the hands of the people. She must banish every power and every influence which is hostile to the rule of the people.

She must tolerate no public servant who arrogates to himself the prerogatives of government, or who turns his back to the people at the beck of special interests; for government does not exist for special interests or their agents, — it exists for the people. It belongs to the people.

That, gentlemen, is the ideal. Now, what are the conditions to-day. Government of the people is coming to be only a name. Representatives of the monopolistic interests have usurped the prerogatives of the people. They have acquired too great a control, and have too largely shaped the policy of federal and state affairs.

This usurpation of power can only be ended by the people taking into their own hands the direction and control of their government.

The first step is to abolish the boss and all his agencies; the caucus, the nominating convention and all political machinery which intervenes between the people and their government.

All candidates for public office without exception must be chosen by the people through the direct primary. Only by this means can they be held accountable. No public servant must have any other master than the people.

Establish the direct primary, choose your own public servants without reference to any machine or faction, make them accountable only to yourselves, and popular government will be established.

To the direct primary must be joined the power of recall; so that any public servant who proves recreant to his trust may be immediately dismissed.

Important as these steps are, it is of far greater importance that the people keep their power over legislation through the initiative and the referendum.

Under the conditions which exist to-day, as I see them, these are the only true safeguards of representative government.

There can be no valid objection to these measures if we believe in the capacity, and therefore the right, of the people to govern themselves.

If the people are competent to exercise the power of the franchise, then they are competent to advise their public servants and recall them if they are not true to their trust.

The referendum provides that an important legislative measure shall be submitted to the people upon their request before it becomes a law.

The initiative provides that the people themselves may prepare and pass a constitutional amendment or an important law if the legislature persistently refuses to enact it.

Both these measures have great influence for good, not so much in the actual exercise of the power by the people as in the potentiality of that power. Its very existence, and the realization that it may be exercised, renders useless the lobbyist, and nullifies the great resources which the special interests have employed for improperly affecting legislation.

Public servants who deem that they represent themselves and not their constituents naturally object to these measures; and yet a measure which is contrary to the will of the majority has no justification.

I urge upon you a resolve for a constitutional amendment to provide for the initiative and the referendum.

LABOR.

Labor is the foundation upon which the structure of popular government is built, and as such it must be recognized, its just demands met, its rights guarded and protected. It must have every legislative safeguard that capital has.

We all recognize the right of labor to organize, and we must further recognize that labor should be exempt from unfair injunction restrictions, and that the liberty or property of any citizen ought not to be taken from him without trial by jury.

It is even more important that the compensation of labor be above a bare living. It must ensure to the workingman some measure of protection to those dependent upon him.

We must rigidly define and limit the hours of labor, especially for women and children, with due regard to healthful conditions and educational opportunity.

In safeguarding labor from unjust conditions and from destitution we can learn much from Germany, which is the home of old-age pensions.

In particular I would direct your earnest attention to the subject of workingmen's compensation for injuries. Immediate and equitable legislation is demanded, not only by the employee but by the employer. A wise compensation act is a safeguard to both capital and labor. The criterion of such a law must be *definite, certain* and *speedy* adjustment of all claims, so that they may be discounted, alike by capital and labor.

The result of such a law is not to be measured merely by financial considerations, but by the better relationship which will be brought about between the employer and his employee.

Let Massachusetts take the lead along this humanitarian line of progress; for above everything else we are an industrial commonwealth. It is therefore vital that our industries be strengthened and our workmen safeguarded by wise and progressive legislation.

VOCATIONAL TRAINING.

And right here we must recognize that a sound body and an industrial training and education are the birthright of every citizen. This birthright must be ensured to him by an industrial education which fits him to earn his living.

We have technical colleges, but we need industrial kindergartens to teach our boys and girls how to do the simplest things in life, and to do them intelligently.

This is the age of specialization, even in the ordinary vocations. We are specializing to so great an extent that old methods no longer meet the industrial need of the present day. Our educational institutions must keep pace with the new order of things; and for this reason attention must be given not merely to the higher forms of technical education, but to what are termed vocational and trade schools, in which the youth may fit himself for practical, every-day work.

This change in our educational system must come immediately, — even at the expense of academic work, if necessary; for our boys and girls on leaving school must have some practical training which will make an honest livelihood possible.

The report of the board of education will be submitted to the general court this session, and I recommend that it receive most careful attention, especially with respect to vocational, technical and trade schools.

TRANSPORTATION.

From labor we pass to the next vital necessity of industry, — transportation.

We must encourage and extend by wise and equitable legislation all the transportation facilities at our command, in a spirit not of hostility but of fairness and co-operation.

We must legislate with a view to bringing the trunk lines not only of this country but of Canada to our great terminal and our ports, in order that we may have a wider distribution for our products and a freer communication by rail and water with the markets of the world.

We should recognize that Massachusetts and all New England constitute a vast terminal for the creation of business, which requires for its products the widest distribution. We must enlarge these means of distribution by every method in our power.

Above all things our transportation must not be confined to the railroads. We have one of the finest seaports of the world, and its development and use depend upon broad legislation directed to both coastwise and foreign business.

The state must co-operate with its metropolis, Boston, in the ownership and development of docks and terminals, in order that the largest and most modern steamships may unite with the railroads in the upbuilding of our industry and commerce.

The state must also take immediate steps to outline and construct a system of waterways and canals to supplement the railroads, so that raw materials may be secured to our industries at the lowest possible cost.

We have cause for gratification that work on the Cape Cod canal is progressing so rapidly, and that its early completion seems assured.

I believe that the dredging out of the Merrimac and Connecticut rivers, and the building of the so-called Weymouth canal from Fall River through the Bridgewater and Brockton are among the first undertakings that should be inaugurated.

Other states are entering upon work of this character, notably New York state, which is spending millions on the Erie Canal; and if we are to hold our own along industrial lines, we must develop the internal waterways of the state.

In the last session of the general court an expenditure of \$3,000,000 was authorized to provide for new piers, with

the condition that they should be leased before construction. I respectfully urge that this act be amended so that work may begin immediately, believing as I do that if, when the piers are completed, they are not quickly brought into useful and profitable service by our dominant railroad corporations, then the state can take and ought to take immediate steps to secure some other tenant.

QUASI-PUBLIC CORPORATIONS.

Right here let me say what I think the attitude of the state should be with reference to the quasi-public corporations. In the first place, I see nothing inimical in the mere size of a corporation, provided, of course, it is suitably regulated.

On the other hand, a holding company is in theory wholly at variance with the common law and with the statutes of the state. It is therefore indefensible.

It can be regarded only as an act of legislative complaisance or of financial subterfuge, and on either of these grounds it is intolerable.

The incorporation of the Boston Holding Company was special legislation in the interest of privilege. I regard it as one of the most flagrant examples of pernicious legislation enacted in recent years. It legalized some of the most objectionable corporate methods.

The people are to be congratulated that the original proposal, permitting the company to issue bonds which were to be free from taxation, and which were to be a legal investment for savings banks, was thwarted. Legislation of this character should never again be permitted.

I would also call attention to the voluntary associations which issue shares evidencing a participating ownership, but which, under existing laws, are subject to none of the regulations as to publicity and taxation that apply to both business and public-service corporations.

I do not recommend the appointment of a special commission to consider this subject, but I believe that the tax commissioner may well be directed to investigate the further regulation by the commonwealth of such voluntary associations, and to report thereon to the next general court, with specific recommendations.

I also think there should be a change of method on the part of the public-service corporations in seeking legislation from the general court. The old method of framing

desired legislation behind closed doors, through legislative agents and the lobby, should be entirely discontinued. There is no occasion for secrecy, but, on the contrary, for the greatest degree of publicity.

The corporation before coming to the legislature should put its case before the people themselves, through the press and by public meetings, if necessary, and in this way enlighten the people fully and frankly as to just what it wants and what it proposes to give in return.

The people will then be in a position to advise their legislators. The corporation should do this with the greatest frankness, revealing not merely a part of the truth, but the whole truth.

My own experience in corporate management is that when the people thoroughly understand a proposition they act with intelligence and fairness. If the corporation meets the public in this spirit of honesty and co-operation, then the public in return will grant more liberal concessions than can be secured in any other way. These methods will command the confidence and enlist the capital of the people for these enterprises.

This procedure on the part of the corporations will forever end the lobby and its attendant train, and it will inevitably give the corporation all that it is entitled to.

THE JUDICIARY.

I think we are all agreed that the first duty of a free government is to ensure the prompt enforcement of legal rights as between man and man. There is no excuse for a delay of years before a plaintiff can finally establish his rights, or a defendant be finally relieved of the trouble and uncertainty of a lawsuit.

I am well aware that in this state delays in the trial of causes have amounted to a practical denial of justice.

It is evident that some method must be found of clearing the dockets of the superior court, so that cases may be speedily heard and determined; and to this end I recommend that the number of justices be increased.

I further recommend that the present salaries of the justices of the supreme judicial and superior courts be increased; and, as a condition of this increase, I recommend that the courts open for their fall term on the Tuesday succeeding Labor Day.

I would further recommend that this legislature carefully reconsider the report of the commission appointed to study the conditions in our courts, and see whether more of their recommendations cannot now be adopted.

I would also recommend that the supreme judicial and superior courts be given full control and regulation of their trial dockets.

In respect to criminal cases, it is, in my judgment, outrageous that a suspected person must now remain imprisoned for a long period before a hearing can be given and his rights determined. This violates all public sense of justice, and should be remedied.

FINANCE BOARD.

The affairs of the commonwealth pertaining to the conduct of the public business are essentially of a business character, and they should be conducted along well-established business lines, such as prevail in any great corporation.

The Massachusetts commission on the cost of living says that "the methods of compiling statistics in various state, county, city and town administrative departments . . . appear to be an arithmetical chaos. They need simplification and co-ordination; they should supplement and explain each other, and lead to some clear and logical conclusion."

In the administration of the several counties of this state officials have multiplied and expenses grown, until to-day it is virtually impossible to determine how much the counties cost or how many officers are employed, or to obtain any definite information regarding county affairs.

To accomplish this end, it is necessary that some central authority be appointed by the state, with power to investigate and report to the public on the business methods of the various state and county departments, and, when occasion demands, city and town governments.

Such a board, with powers covering the whole state, having authority to summons persons with papers, should be authorized by the legislature. This board, to reach its highest efficiency, should be non-partisan in its broadest sense. The result of its work will be of the highest importance as a means of preventing fraud and extravagance.

Another branch of the state's business in which a higher efficiency is demanded is that relating to the wards of the state.

During the year 1909 we have spent more than the total amount of the direct state tax in the care of our charitable and correctional institutions. The tax amounted to \$4,500,000; the expense stated amounted to over \$4,900,000.

While it must ever remain our fixed duty to protect these helpless ones, yet immediate steps should be taken to prevent such a large and increasing number of persons from losing the power of self-support, either through mental, moral or physical sickness, or through that industrial inefficiency which leads to pauperism.

We should seek out all the causes which result in the loss of personal independence and self-supporting power, and apply scientific measures of personal help to all who are drifting toward our public institutions.

This is the greatest problem at present confronting us. In the endeavor to solve it, I call upon all citizens who are properly qualified by training and experience to advise the executive office freely, as a matter of public duty. I shall also at the earliest possible moment secure the services of the most competent experts, with a view to recommending the necessary legislation.

STATE COMMISSIONS.

On business principles, I am not in favor of commissions as a means of transacting public business, unless they are appointed subject to recall, for I believe their tendency is not in accord with popular or representative government.

They have practically no check placed over them. They multiply unnecessary officers and clerks, and thereby increase the expense of carrying on the work of the different branches of the state's activities.

Therefore, I shall doubtless recommend the elimination of some and the consolidation of other commissions.

I now advise the abolition of the following commissions which relate to quasi-public corporations, namely: the railroad commission; the gas and electric light commission; the Boston transit commission; and the highway commission, which includes the supervision of the telephone and telegraph companies. And in their place I recommend the creation of a public utilities board, which should consolidate the functions of these commissions, with the stipulation that the tax-collecting function of the highway commission shall revert to the state treasurer's department.

This board should be composed of five members, whose terms should be for ten years, subject to the recall of any member at any state election. The chairman should be a lawyer. This board should have the right to employ and hear counsel; its decisions should be in writing, with the vote of each member recorded; and it should have the power of initiative.

HOME RULE FOR CITIES.

I regard home rule for the cities as an essential part of popular government. The responsibility for good government in our municipalities must rest directly upon the citizens, and they should be sovereign in the affairs of their city.

I believe that the people can be trusted to elect competent, honest and efficient public servants. In the event of failure, the moral and intellectual education of such failure is worth all its costs.

The responsibility for good government cannot be shifted from the people.

Our first duty, as I see it, is to create a greater Boston by the confederation of all the towns and cities within a radius of at least ten miles, and possibly more.

I maintain that our suburban citizens, whose business interests bring them to Boston daily, who enjoy the protection of her police and the use of her highways, and who are included within her five-cent fare limit, have no right to stamp the dust from their feet at 5 o'clock, and assume that they have no further responsibility for the good government of the very city in which they earn their livelihood, and where their commercial and financial interests are centered.

For example, the rapid-transit system that Boston maintains is far more in the interest of these suburban communities than in the interest of the city of Boston.

It is my observation that the people who have made the loudest protest against the city government have been those who sleep and pay their taxes outside the city limits.

I contend that it is the duty of these suburban towns and cities which are already part of the metropolitan district to unite with the city itself in the creation of a great metropolis. This union should be not merely a commercial, but also a political one.

We should have a union on the borough system, under which these several towns and cities might preserve their autonomy, their individuality and historic interest, but under which they would contribute by their franchise and their personal service to the better government of the metropolitan city.

However much individual opinion may vary on the details of this plan, this much is certain, that we shall never attain the status or reap the rewards of a great metropolitan community until we have replaced our narrow provincialism by the broad spirit of co-operation and service.

ELECTION REFORMS.

Turning now to the consideration of our election methods, let us give earnest thought to the subject of campaign expenses.

The use of money in our elections has become a great evil, for it amounts to a substantial denial of the privilege of a man of moderate means to aspire to many public offices in the commonwealth; or else it overwhelmingly tempts him to make his secret peace with those private interests which will finance his campaign if he will serve them in office.

It has become no small part of the lobby to-day to go about the state before the caucuses, "setting up districts;" in other words, making private agreements to supply candidates with campaign funds if they will promise in return to be friendly to the interests the lobby is serving.

To correct this evil it is necessary to prohibit those methods of campaigning which cost so much money, and are not in themselves necessary for the proper enlightenment of the voters.

A healthy man does not need — and ought not to have — a carriage to convey him to the polls to perform a duty which he owes to his country, his state and his family.

The burden of hiring carriages and automobiles is too great for a candidate poor in his own purse, and not pledged to some strong financial interest, to assume.

The occasional carriage which is needed to convey an infirm man to the polls the state ought to furnish.

For these reasons I recommend that the general court prohibit the hiring of carriages to transport voters to the polls in any state, city or town election, except such as may be provided by the state for the use of the disabled.

As for the able-bodied voter, it would be far better to provide a penalty for unreasonably neglecting to go to the polls, or to give the warden of the election precinct power to issue a warrant and bring him to the polls; just as the speaker of the house can order the sergeant-at-arms to arrest and bring a member to his seat when his presence is needed.

If it be not constitutional to compel citizens to do their civic duty, Massachusetts ought to take the lead in such wise legislation by making it so.

In my judgment, the state should provide the political parties with halls in which to hold rallies in state elections, and should also provide a circular in which the candidates may state to the voters the arguments in support of their candidacy. For the giving of political information to the voters and expounding the political principles of the candidates is not a privilege of the candidate, but is a privilege of the voters themselves; not a privilege of a political party, but a privilege of government itself, — since those who are to handle the machinery of government must be chosen upon the fullest information and must conduct it upon correct principles.

The government itself is the chief beneficiary of the public meetings which are held to discuss political measures and candidates. Hence the government ought to supply halls in the different cities and towns once during a campaign for the candidates of all political parties.

I am of the opinion that the armories and assembly halls in cities and towns should be freely opened to the citizens for political meetings.

The meetings suggested will act to stimulate the citizens to take a closer and more personal interest in shaping the policies of their government.

This will tend to lessen the influence of the men or corporations offering to pay campaign expenses. It will give the man of moderate means a more equal chance to serve his state, and it will promote the independence of our public servants.

DIRECT NOMINATIONS.

I also recommend that legislation be enacted calling for the popular nomination of United States senators.

Twenty-nine state legislatures have now passed resolu-

tions to this end, and all but two of the remaining states have expressed themselves as favoring direct elections in one form or another. Twenty-two states through various laws now nominate their senators by the vote of the people; and seven states have, through the voluntary action of the political parties, arrived at the same result.

Four times has the national house of representatives given the two-thirds vote required for an amendment of the constitution in this respect, and four times has the United States senate defeated the amendment. The last vote of the house in 1902 was unanimous.

Last May the house of representatives of this commonwealth voted in favor of such direct vote, but the senate defeated the resolution. Thus I have the endorsement of the popular branch of the general court in recommending that a measure be passed, under which the legislators may be instructed by the people as to their choice for United States senator.

LEGISLATIVE DISTRICTS.

The federal law requires the redistricting of the state at this time. The purpose of this provision is not only to ensure a fair congressional apportionment, but to guarantee that the people shall be equitably represented in the state legislature.

In the past this redistricting has been governed too largely by partisan considerations, and the districts have been laid out with a view to serving the interests of the dominant political party in the state.

The necessity for such a reform has just been clearly shown at our state election.

The plurality of over 35,000 which I received on clear-cut issues indicated unmistakably and overwhelmingly the will of the people.

Moreover, in the total popular vote for the lower house of our legislature a plurality of over 38,000 was registered against the return of our senior senator to the United States senate. Yet, owing to our gerrymandered districts, we have to-day a small republican majority in the legislature, when an honest division of the state into districts would have shown a democratic majority; and we are confronted with the possibility of returning to the senate of the United

States a man whose retirement the people thus clearly demanded.

In view of these facts and figures, I confidently expect that this legislature will have the courage to obey the manifest will of the people, and elect a senator, irrespective of party, who represents the progressive platform for which the majority of the people voted.

No matter how bravely you approach this present problem, this evil of false representation will always confront us until we attack it at its root.

Our methods are not in accord with the new order of things, and I respectfully recommend that in the redistricting of the state no consideration whatever shall be given to partisan schemes, but that every district shall be laid out on geometrical lines by the state engineers.

I recommend that the boundaries of districts so far as possible shall conform to parallels of latitude and meridians of longitude; and that each district must possess the shortest possible boundary lines, and hence be rendered as compact as this arbitrary method of surveying and the distribution of population will permit.

In spite of all opposition, the initiative, the referendum and the recall are already at hand. They represent popular government in its highest conception. We who know the town meeting should recognize the value of the principle when it is proposed to extend it to the state; it is democratic to the core.

The intelligence of the people, of the press and of legislators will be heightened by the study of specific measures; better men will enter public life; class legislation will be discouraged by the united vote of all classes; the farmers and laboring men will secure the full measure of their influence in public affairs; restraints will be removed upon needed reforms, and respect for law will be increased when every statute represents the will of a majority of the people; the ignorant and indifferent will have less weight in such decisions, and the people can exercise their intelligence better in voting for certain measures than for uncertain men.

The day of success is often the most critical in the history of men as well as of parties; and at the moment when it is evident that the people of this state have given us their confidence and entrusted us with their interests, it

becomes our duty to study the motives which have actuated them.

It is undoubtedly true that to a great extent the election this year has been a protest against republican misgovernment and the failure of that party to redeem its pledges to honestly revise the tariff, and by so doing to remove the burdens of unequal taxation from the masses of the people.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY
HIS EXCELLENCY THE GOVERNOR TO THE GENERAL
COURT DURING THE ANNUAL SESSION.

[To the honorable senate and house of representatives, January 6, 1911.]

I have the honor to transmit herewith to the general court a report of the pardons granted in 1910, left with me by my predecessor in office.

EUGENE N. FOSS.

[To the honorable senate and house of representatives, January 5, 1911.]

I have the honor to present, herewith, in compliance with chapter 50 of the resolves of 1860, a report of the forty-seven pardons issued by the governor, with the advice of the council, during the year of my administration just closed. Of the number thus released, fifteen were in the state prison, eleven in houses of correction, thirteen in the Massachusetts reformatory, seven in the reformatory prison for women and one in the state farm. Serious illness was the controlling reason for the discharge of one.

EBEN S. DRAPER.

No. 1. JOSEPH E. HOWARD. Convicted of breaking and entering, Superior Court, Essex county, February term, 1909. Sentenced to the house of correction for two years. Pardoned Jan. 12, 1910, on the recommendation of the district attorney, who certified that: "Howard was a stranger in this part of the country, his home being in the west, and little was known of him at the time of his trial. After his sentence a letter was received by the police of the city of Lynn, informing them who he was, and that his family was a respectable one, his father being a minister. So far as we can learn this is the first trouble that Howard was ever in, Pardons.

Pardons.

and the chief of police of Lynn informs me that under the circumstances he is quite willing that Howard be released and allowed to go to his home in the west. I understand that his relatives will furnish him with the means of transportation. I cannot see any reason why I should offer any objection to his being released, in view of all the circumstances." The probation officer concurred in this recommendation.

No. 2. CHAMALIS HAOURDIN. Convicted of assault with intent to commit rape, Superior Court, Middlesex county, June 30, 1907. Sentenced to state prison for from ten to fifteen years. Pardoned Jan. 19, 1910, upon the recommendation of the district attorney, who was strongly of the opinion, upon evidence submitted to him since the trial, that Haourdin was guilty of only assault and battery.

No. 3. WILLIAM CARROLL. Convicted of breaking and entering and larceny, Superior Court, Bristol county, June 16, 1905. Sentenced to state prison for from five to seven years. Pardoned Jan. 26, 1910, upon the recommendation of the district attorney, who believed that the ends of justice had been served by a pardon at this time.

No. 4. NICHOLAS VENDOLA. Convicted of abuse of a female child, Superior Court, Suffolk county, Dec. 2, 1905. Sentenced to state prison for from nine to twelve years. Pardoned Feb. 2, 1910. Vendola was convicted upon the testimony of the complainant, who was of immoral character, and, as has been proven since the trial, was more than sixteen years of age. The district attorney certified that "if it can be clearly shown that she was over sixteen years of age at the time of the alleged rape, it ought to have a material bearing in favor of a pardon."

No. 5. GEORGE JETT, alias WILLIAM MASON. Convicted of robbery, Superior Court, Bristol county, Nov. 13, 1908. Sentenced to state prison for from three to four years. Pardoned Feb. 4, 1910. Jett had been indicted in New York for murder in the first degree. His sentence was commuted for the purpose of delivering him to the New York officers, who came with requisition papers from governor Hughes.

No. 6. JOHN E. MAHON. Convicted of larceny, Superior Court, Suffolk county, Feb. 12, 1909. Sentenced to the house of correction for two years. Pardoned Feb. 4, 1910, upon the recommendation of the prisoner's employers, from whom the money was stolen, and many of the leading citizens of Dorchester. It was thought that his acts were not so much of intent as of deed. He had always borne an unblemished reputation, and it was believed that he had been sufficiently punished and would hereafter follow an honest life. He was the sole support of his mother and invalid sister, who were in very reduced circumstances. Pardons.

No. 7. EDWARD MURPHY. Convicted of robbery, Superior Court, Suffolk county, Jan. 22, 1904. Sentenced to state prison for from ten to fifteen years. Pardoned Feb. 23, 1910. The circumstances of this case were as follows: Murphy and one Dunn met a young man on Hawkins street and forcibly deprived him of the sum of five dollars. No weapons were used, nor was any physical injury inflicted. At that time Murphy was twenty-two years of age. He was transferred to the Massachusetts reformatory in 1905. The pardon was recommended by the district attorney who tried the case, with the firm belief that from all indications there was little likelihood of his again committing a serious offence. Judge Bond, who presided at the trial, concurred with him in this recommendation. The severity of the sentence was in part due to the fact that at about this time robberies in Boston were frequent, and it was deemed best to impose sentences of a deterring nature.

No. 8. AGNES M. FITZPATRICK. Convicted of drunkenness, Municipal Court of Boston, Nov. 13, 1909. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned March 9, 1910. It was believed that the ends of justice had been satisfied by the imprisonment already suffered. She had a good home and a sick child, who needed a mother's care.

No. 9. JOHN E. MORRIS. Convicted of vagrancy, District Court of Central Berkshire, Sept. 29, 1909. Sentenced to the state farm on an indeterminate sentence. Transferred to the Massachusetts reformatory Nov. 4,

Pardons.

1909. Pardoned March 9, 1910, on the ground that he had been sufficiently punished. He was in no sense a vagrant, but had a good home and a mother in Pittsfield.

No. 10. JOSEPH RUSSO. Convicted of rape, Superior Court, Suffolk county, Dec. 21, 1905. Sentenced to state prison for from five to seven years. Pardoned March 16, 1910. Russo was convicted solely on the testimony of the complainant, who did not bear a good character, and has since been confined in an institution for girls. It was believed that he was not guilty of the crime of rape, but of another offence, for which the maximum penalty is three years.

No. 11. JOSEPH BRAGA. Convicted of robbery, Superior Court, Bristol county, Nov. 27, 1909. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned March 23, 1909, on recommendation of the district attorney. The circumstances which developed at the time of the trial indicated that this defendant took no personal part in the theft, except for the testimony of one witness, who now says that he was mistaken in his testimony. The defendant was of a party of seven, and the district attorney was never satisfied in his mind whether or not this defendant personally had any criminal intent; but, being present and aiding and abetting, as appeared at the trial, he was convicted on that basis. The district attorney was of the opinion that the interests of public justice would not suffer by his release.

No. 12. WILLIAM J. COSTELLO. Convicted of drunkenness, District Court of Central Berkshire, Nov. 15, 1909. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned March 23, 1910, upon the recommendation of the justice who imposed the sentence and the probation officer, who believed that the purpose of his commitment had been accomplished, and that hereafter he would lead an orderly life.

No. 13. ARTHUR DONOGHUE. Convicted of being idle and disorderly, Municipal Court of Boston, Sept. 30, 1909. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned March 23, 1910. He belonged to a family in South Boston that was much re-

spected. His father had died since his commitment. Immediate employment awaited him. It was believed that he had been sufficiently punished. Im- Pardons.

No. 14. JOHN H. DEVINE. Convicted of breaking and entering, Superior Court, Suffolk county, July 9, 1907. Sentenced to state prison for from six to seven years. Pardoned March 30, 1910, upon the recommendation of the justice who imposed the sentence and the ex-assistant district attorney. The offence for which he was convicted was for entering buildings in process of construction and the taking of tools of a nominal value. When sober he was always a good citizen, living in a good home and surrounded by wholesome influences. His offences did not at all partake of the character of professional housebreaking, and a recent statute fixing six months as the penalty for the larceny of tools indicates the legislative view as to the mildness of the offence. He had served more than two years and a half of his sentence, and in the opinion of the petitioners all the advantage of a prison sentence had been accomplished in his case.

No. 15. WILLIS G. MEDFORD. Convicted of being a tramp, Police Court of Lynn, Sept. 15, 1908. Sentenced to the state farm on an indeterminate sentence and transferred to the Massachusetts reformatory. Pardoned April 13, 1910. This boy, seventeen years old, appealed to a police officer in Lynn for a night's lodging. He was told that if given a lodging at the police station he must go to court the next morning, and might be sentenced to the state farm. He said he would prefer to go there, as he had no home or money. His sister, who had lost all track of him for ten years, stood ready to give him a home.

No. 16. JAMES T. CASSIDY. Convicted of conspiracy and larceny, Superior Court, Suffolk county, June term, 1909. Sentenced to the house of correction for one year. Pardoned April 20, 1910, upon the petition of the twelve jurors who convicted him, who believed that he had been sufficiently punished.

No. 17. CATHERINE HILLADAY. Convicted of drunkenness, Police Court of Lowell, December, 1909. Sentenced

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to the Massachusetts reformatory on an indeterminate sentence. Pardoned April 27, 1910, upon the recommendation of probation officer Ramsay of Lowell, who personally appeared and urged a pardon. She had a husband and three small children who were very much in need of her care. The husband had taken a new home in another locality, and believed she would do well if released.

No. 18. KATHERINE SHEPARD. Convicted of disturbing the peace, District Court of Central Berkshire, Nov. 26, 1909. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned April 27, 1910, upon the recommendation of the justice who imposed the sentence, who believed the ends of justice had been served. She had two children who were left alone at home while their father was working in the mill. She was not an habitual drinker.

No. 19. ANNIE M. FEENEY. Convicted of drunkenness, First District Court of Eastern Middlesex, March 9, 1910. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned May 4, 1910, upon the recommendation of the presiding justice of the first district court and the probation officer, on the ground of her being a non-resident of the state and having a good home to go to, and it being also her first offence.

No. 20. WALTER HAMLYN. Convicted of robbery, Superior Court, Suffolk county, May 14, 1909. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned May 4, 1910, upon the recommendation of the district attorney who prosecuted the case and the assaulted party, who has confessed that he was the cause of the altercation, and that Hamlyn was not guilty of the crime for which he was convicted.

No. 21. NATHAN NULMAN. Convicted of stubbornness, Second District Court of Bristol, Feb. 15, 1910. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned May 18, 1910. Nulman, a young man eighteen years of age, was committed on the complaint of his father, for the reason that he did not help him in a financial way. His father supposed that he would

possibly be sentenced for two or three weeks, but it was only through a misunderstanding that he consented to his being sentenced. He felt very anxious for his son's release, and permanent employment awaited the latter when pardoned. Pardons.

No. 22. HARRY GRAVES. Convicted of obstructing an engine and cars on a railroad, Superior Court, Franklin county, Nov. 17, 1909. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned May 18, 1910, upon the recommendation of chief justice Aiken of the superior court, who sentenced him to the Massachusetts reformatory. The young man belonged to a good family in a small town in western Massachusetts. He was attending the village academy and was in the senior class. His standing in his studies was excellent. He went to the nearest railroad point and intended to steal a ride westward. Two freight trains came along, each going at a rate which made it impossible for him to get aboard. In order to slow up the next train so that it was safe to board it, he put a tie on the rails. The tie was discovered and removed before the train passed along. He made no concealment of his doings, and pleaded guilty. No one was injured, and Graves was sincerely penitent at the time the case was before the court. He was released on probation, as recommended by the chief justice.

No. 23. HORTENSE XIQUES. Convicted of being a common night-walker, Superior Court, Suffolk county, February term, 1910. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned May 25, 1910. The prisoner had a good home in New York City. Her case would have been placed on file if the mother had been present in the court room, but she did not receive notice in season to be present; consequently the girl was committed to the reformatory prison for women. She was pardoned upon condition that she be immediately placed by her mother in a convent in New York.

No. 24. BENJAMIN ALLEN. Convicted of assault and battery, Superior Court, Suffolk county, June 16, 1909. Sentenced to the house of correction for two years. Pardoned May 25, 1910, upon the recommendation of the district attorney, who believed that he had been sufficiently

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punished for the slight crime for which he was convicted. No robbery was committed.

No. 25. WILLIAM BEBEAU. Convicted of highway robbery, Superior Court, Bristol county, Nov. 16, 1906. Sentenced to state prison for from twelve to fifteen years. Pardoned May 25, 1910, upon the recommendation of the district attorney who prosecuted the case. Bebeau was a young man about seventeen years of age, who lived with his parents in Pawtucket. He had a good reputation up to the time of the commission of this crime, was industrious and well thought of by his employers. The sentence at the time was considered by members of the bar as being excessive, under the circumstances. The district attorney was satisfied that Bebeau was the tool in the hands of older and more skillful persons. One of the reasons why he received so severe a sentence was because he would not then tell who were his companions in the attempted robbery. Bebeau was used as a government witness after he had been sentenced to the state prison. In the opinion of the district attorney, if the government had used him as a witness before his conviction, his sentence would have been much lighter.

No. 26. JAMES OLIVER HIGGINS. Convicted of perjury and forgery, Superior Court, Suffolk county, Feb. 15, 1907. Sentenced to state prison for from ten to fourteen years. Pardoned June 1, 1910, upon the recommendation of the district attorney and prominent members of the bar of Suffolk county. Higgins was convicted on two indictments. The district attorney certified that he was himself taken ill immediately after the conclusion of the second trial, and was not able to be present at the time of sentence. Had he been present in court when the case was called for sentence, he would not have asked for sentence on more than one indictment. Had he been given an opportunity to address the court on the question of sentence he has no doubt that the court would have treated Higgins much less severely. It was too late to revoke the sentence upon his return to court a few days later. In view of all the circumstances the district attorney was of the opinion that the prisoner had been sufficiently punished and the ends of justice satisfied.

No. 27. ERNEST P. MCCARTHY. Convicted of obtaining money under false pretences by trial justice Mulligan, Middlesex county, Nov. 29, 1909. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned June 15, 1910, upon the recommendation of judge Mulligan and J. W. Slattery, the probation officer, who believed that the ends of justice had already been satisfied, that the reformation of McCarthy was accomplished, and that no further good would result from his continued imprisonment. He obtained money by claiming that he was authorized to make collections for a motorcycle company. The amount was small, and restitution has been made. Pardons.

No. 28. ALICE REIDY. Convicted of illegally selling intoxicating liquors, Municipal Court of Boston, May 17, 1910. Sentenced to pay a fine of \$50. Pardoned June 22, 1910, upon the recommendation of judge Burke and probation officer Sargent of the city of Boston. She was unable to pay the fine imposed. She had tuberculosis, both lungs being affected. The prison physician certified that the woman's condition was steadily getting worse, and strongly recommended that a pardon be granted.

No. 29. GEORGE ZANIOS. Convicted of assault with a dangerous weapon, First District Court of Eastern Middlesex, Jan. 31, 1910. Sentenced to house of correction for one year. Pardoned July 6, 1910, upon the recommendation of judge Bruce, who imposed the sentence. The assault was a slight one, and the complainant was not struck or otherwise injured. Zanios had a perfect conduct record in prison, and immediate employment awaited him.

No. 30. ANTONIO ANTONELLI. Convicted of assault with a dangerous weapon, Superior Court, Suffolk county, Dec. 15, 1909. Sentenced to the house of correction for two years. Pardoned July 6, 1910, upon the ground that he had been sufficiently punished for the crime committed, under all the circumstances. His wife and family needed his support. The injury to the complainant did not develop as seriously as was expected at the time of imposing sentence.

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No. 31. MICHAEL F. CONDRON. Convicted of drunkenness, District Court of Central Berkshire, Jan. 24, 1904. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned July 20, 1910, upon the recommendation of the honorable William Turtle, senator of the Berkshire district, who believed that he had been sufficiently punished. His father, who caused his arrest and imprisonment, strongly urged his release. Immediate employment awaited him.

No. 32. ELSIE EVELYN OSTIGUY. Convicted of being lewd, wanton and lascivious, Fourth District Court of Bristol, March 19, 1910. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned July 20, 1910, upon the recommendation of the probation officer of the Fourth District Court of Bristol, and the husband, father and mother of the prisoner. The husband was willing to condone the offence and take her back to his home, believing that she had seen the error of her ways and would hereafter lead a virtuous life. She was but nineteen years of age.

No. 33. NOE TREMBLY. Convicted of assault to commit rape, Superior Court, Worcester county, May 20, 1903. Sentenced to state prison for from ten to fifteen years. Pardoned Sept. 7, 1910, upon recommendation of the party assaulted, the probation officer of Southbridge, Mass., and the district attorney. Trembly testified at the trial that he was innocent, that it was a case of mistaken identity, and he has always maintained his innocence. The identification depended largely upon recognizing the voice of the defendant, as it was dark at the time the assault was committed. The complainant, at the time of the presentation of the petition, did not seem quite as positive in her identification as she did at the time of the trial; and, considering the good conduct of the prisoner, as well as the fact that he had been in state prison more than seven years, she signed the petition, having come to the conclusion that it was a case for executive clemency.

No. 34. JOHN HASSON. Convicted of assault, Superior Court, Suffolk county, Feb. 11, 1901. Sentenced to state prison for from twelve to fifteen years. Transferred

to the state farm Aug. 14, 1906. Pardoned Sept. 14, 1910. Pardons.
Hasson, a feeble old man, seventy-four years old, was pardoned to be sent to his relatives in Turkey.

No. 35. JAMES MURPHY. Convicted of vagrancy, District court of Northern Berkshire, April 1, 1910. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Sept. 14, 1910, on the ground that he had been sufficiently punished. He had a home with relatives, who would secure employment for him at once.

No. 36. MARSHALL E. WILLIS. Convicted of assault, Superior Court, Worcester county, Aug. 18, 1902. Sentenced to state prison for from twelve to fifteen years. Pardoned Oct 5, 1910, upon the recommendation of the district attorney who prosecuted the case and the justice who imposed the sentence. This was the prisoner's only criminal record. The petitioners believed that the ends of justice had been served by the long imprisonment already suffered.

No. 37. CHARLES H. EVANS. Convicted of breaking and entering, Superior Court, Bristol county, Nov. 15, 1909. Sentenced to the house of correction for two years. Pardoned Oct. 5, 1910, upon the recommendation of the district attorney and many of the leading citizens of Fall River. His conviction rested largely upon the testimony of an accomplice, who turned state's evidence for the purpose of saving himself. Since that time the accomplice has been convicted of a serious robbery in another state, and sentenced to a heavy term; and other facts which have come to light caused the belief that Evans was entitled to the benefit of the doubt as to the truth of the testimony of this accomplice which was entirely circumstantial and not conclusive against him.

No. 38. MINNIE WILLIAMS. Convicted of being a vagrant, Central District Court of Worcester, Sept. 29, 1910. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned Oct. 19, 1910. This prisoner was but eighteen years old, and had no father or mother. She was pardoned to live with an aunt in Vermont, who would give her a good home.

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No. 39. OVIDE M. PAULHUS. Convicted of abortion, Superior Court, Essex county, Sept. 18, 1905. Sentenced to state prison for from six to six and a half years. Pardoned Nov. 23, 1910, upon recommendation of a large number of citizens of Haverhill, Mass., who believed that the ends of justice would be fully satisfied if pardon were granted, as he had less than one year remaining of his sentence. The crime committed by the defendant was done at the solicitation and request of both the victim and her husband. The prisoner received a longer sentence than he otherwise would have, by reason of the fact that the victim died. There were no particularly aggravating circumstances about the case. It was not a case where a wife went, unknown to her husband, to have such a criminal operation performed.

No. 40. JOHN D. KELLEY. Convicted of assault with intent to murder, Superior Court, Middlesex county, Sept. 16, 1907. Sentenced to the house of correction for five years. Pardoned Nov. 23, 1910, upon the recommendation of the district attorney, the mayor and many of the leading citizens of Lowell, where the crime was committed. The assault was committed when he was under the influence of liquor. The victim of the assault was anxious to have him released. He had less than a year to serve. His prison conduct was perfect. He was pardoned to live with his mother and sister in California.

No. 41. ANTOUR LASOTA. Convicted of larceny, Superior Court, Bristol county, Nov. 22, 1909. Sentenced to the house of correction for two years. Pardoned Dec. 7, 1910, upon the recommendation of the mayor of Fall River and the district attorney. He had served more than half his sentence. He was an excellent prisoner, and had a perfect prison record. His family were in destitute circumstances, supported by charity. It was believed that he would be benefited by his release, and would be able to relieve the state and city of the expense of caring for his family.

No. 42. MARGARET ADAMS. Convicted of arson, Superior Court, Suffolk county, March 17, 1910. Sentenced to the reformatory prison for women on an indeterminate

sentence. Pardoned Dec. 14, 1910. The husband and daughter of the prisoner were very seriously injured in a railroad accident. The daughter was not expected to live. The prisoner was pardoned so that she might return to her home and care for them. She had about three months more to serve. Pardons.

No. 43. GEORGE W. HERBERT. Convicted of murder, second degree, Superior Court, Berkshire county, January term, 1904. Sentenced to state prison for life. Pardoned Dec. 21, 1910. Senator Turtle and Charles Giddings, Esq., appeared for Herbert, and explained that on his marriage he discarded all his bad habits and led a model life, being thoroughly infatuated with his wife. The evidence in the case showed that the wife was induced by one Fearing to leave her husband; and, following them to Monterey, Herbert appealed to a judge to have them arrested, but the judge declined on the ground of insufficient evidence. Herbert happened to meet his wife with Fearing and attempted to shoot the latter, but accidentally shot his wife. He pleaded guilty to the charge of murder in the second degree. Since his sentence Herbert has been a model prisoner, and for some time has been clerk to the deputy warden. It was believed that neither the ends of justice nor the protection of society demanded that the prisoner be held for further punishment.

No. 44. AUGUST POIRIER. Convicted of drunkenness, First District Court of Essex, July 5, 1910. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Dec. 21, 1910, upon the recommendation of several of the city officials of Salem, who believed that he had thoroughly reformed, and would lead a sober life.

No. 45. GEORGE H. BATTIS. Convicted of larceny, Superior Court, Suffolk county, June 4, 1909. Sentenced to the house of correction for three years. Pardoned Dec. 21, 1910. Executive clemency was extended in this case because of a belief that the ends of justice had been satisfied, the prisoner having served over eighteen months in the house of correction for his larceny from the city of Boston. The impaired health of Battis and his good con-

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duct while in prison weighed heavily in his favor; and the fact also was taken into consideration that the others implicated in the so-called Boston fraud cases were already at liberty, having served much less time than had Battis.

No. 46. FRANCIS M. GOULD. Convicted of breaking and entering, Superior Court, Middlesex county, Sept. 20, 1909. Sentenced to state prison for from two and a half to three years. Transferred to the Massachusetts reformatory April 28, 1910. Pardoned Dec. 21, 1910. Gould, when brought before the court for trial, pleaded guilty to the charge of breaking and entering without intent to commit larceny. He was put on probation by judge Bond, and lived honestly and lawfully for two years; and was then surrendered by the probation officer in September, 1909. Upon investigation it was found that he had not broken the conditions of his probation, but that false statements as to his previous character were made to the probation officer in the court. Judge Bond was of the opinion that, owing to the misunderstanding about his plea in the case, he should be pardoned and given a chance once more to live an honest life.

No. 47. PATRICK W. HEFFERN. Convicted of larceny, Superior Court, Suffolk county, Nov. 23, 1909. Sentenced to state prison for from four and a half to five years. Pardoned Dec. 28, 1910, on the ground that he had been sufficiently punished. For a similar previous offence, the person indicted with Heffern was given a sentence of but six months, while in this case he was released without punishment because he was a government witness, although he was the originator of the crime and jointly indicted with Heffern. The petitioner, a physician in good standing, had always been honest, and given much of his time to the poor. The district attorney stated: "I think it fair to the applicant for pardon to say that the sentence which was imposed was undoubtedly determined to some extent by the importance of exercising a deterrent effect on the community as to this particular kind of fraud, and that in this aspect the sentence has undoubtedly served its purpose, without insisting on the completion of the defendant's term. So far as I can ascertain, there is nothing in his

personal character which would make his being at liberty a danger to the community." The crime for which Heffern was sentenced was committed when he was in an intoxicated condition.

[To the honorable senate and house of representatives, January 9, 1911.]

I have the honor to transmit herewith a report of the commission to investigate and report upon a system of caring for tubercular patients by state and local authorities, authorized by chapter 76, resolves of 1910.

[To the honorable senate and house of representatives, January 11, 1911.]

In accordance with the provisions of chapter 220 of the acts of 1910, being "An Act to provide for supervision by the governor and council of expenditures and other financial operations of the commonwealth," I hereby recommend the enactment of bills authorizing the payment of the following sums for the executive department, namely: —

Governor's salary,	\$8,000 00
Lieutenant governor's salary,	2,000 00
Executive council, compensation,	6,400 00
Council travel,	1,000 00
Private secretary,	2,500 00
Executive secretary,	2,500 00
Executive stenographer,	1,800 00
Executive clerk,	1,200 00
Executive messenger,	1,200 00
Assistant executive messenger,	1,000 00
Executive contingent,	3,000 00
Executive postage, printing and stationery,	1,200 00
Council contingent,	2,500 00
Council postage and stationery,	500 00
Extraordinary expenses,	100,000 00
Preparation of tables and indexes, etc.,	500 00
Arrest of fugitives, expenses,	1,000 00

[To the honorable senate and house of representatives, January 11, 1911.]

In accordance with the provisions of chapter 220 of the acts of 1910, being "An Act to provide for supervision by the governor and council of expenditures and other financial operations of the commonwealth," I hereby recommend the enactment of bills authorizing the payment of the following sums, namely: —

Senate compensation,	\$30,750 00
Senate travel,	3,200 00
House compensation,	180,750 00
House travel,	19,000 00
Clerks, senate and house,	7,000 00
Assistant clerks, senate and house,	4,000 00
Clerical assistance, senate,	1,500 00
Clerical assistance, house,	2,500 00
Chaplains, senate and house,	600 00
Doorkeepers, senate and house, and postmaster,	4,200 00
Assistant doorkeepers, messengers and pages,	29,000 00
Printing and binding for senate, {	38,000 00
Printing and binding for house, }	
Printing and binding manual of general court,	5,000 00
Stationery for the senate,	800 00
Stationery for the house,	1,000 00
Legislative contingent,	6,000 00
Legislative bulletin,	4,500 00
Expenses of legislative committees,	15,000 00
Committee hearings,	10,000 00
Witness fees before committees,	200 00

[To the honorable senate and house of representatives, January 20, 1911.]

In accordance with the provisions of chapter 220 of the acts of 1910, being "An Act to provide for supervision by the governor and council of expenditures and other financial operations of the commonwealth," I hereby recommend the enactment of bills authorizing the payment of the following sums, namely: —

SECRETARY OF THE COMMONWEALTH.

Secretary's salary,	\$5,000 00
First deputy,	2,500 00
Second deputy,	3,000 00
Chief of archives,	2,000 00
Corporation clerk,	2,000 00
Engrossing clerk,	1,600 00
Cashier,	1,200 00
Clerks and messengers,	24,000 00
Incidental and contingent expenses,	4,500 00
Arrangement and preservation of state records and papers,	2,000 00
Postage and expressage on documents,	5,500 00
Ballot boxes for cities and towns,	1,000 00
Purchase of histories of regiments, etc.,	2,000 00
Preservation of town records of births, marriages and deaths,	15,000 00
Counting apparatus,	250 00
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	\$71,550 00

TREASURER AND RECEIVER GENERAL.

Treasurer's salary,	\$5,000 00
First clerk,	2,600 00
Second clerk,	2,100 00
Third clerk,	1,800 00
Receiving teller,	1,800 00
Paying teller,	1,800 00
Assistant paying teller,	1,200 00
Cashier,	2,200 00
Assistant bookkeeper,	1,500 00
Fund clerk,	1,500 00
Clerk and bank messenger,	1,500 00
Record clerk,	1,000 00
Stenographer,	900 00
Messenger,	1,000 00
Additional clerical assistance,	3,500 00
Incidental and contingent expenses,	5,000 00
Collateral legacy tax, expenses,	6,000 00
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	\$40,400 00

AUDITOR'S DEPARTMENT.

Auditor's salary,	\$5,000 00
Deputy,	3,500 00
Supervisor of accounts,	2,500 00
First clerk,	2,500 00
Second clerk,	2,200 00
Clerks, examiners, stenographers, etc.,	14,000 00
Messenger,	900 00
State printing expert,	1,500 00
Contingent expenses,	2,500 00
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	\$34,600 00

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-general's salary,	\$5,000 00
Compensation of assistants, legal services, etc., and other necessary expenses,	45,000 00
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	\$50,000 00

SERGEANT-AT-ARMS' DEPARTMENT.

Sergeant-at-arms' salary,	\$3,500 00
First clerk,	2,200 00
Additional clerks,	2,800 00
Cashier,	1,000 00
Contingent,	450 00
Stationery and printing ordered by the sergeant-at- arms,	1,200 00
Engineer's department,	30,940 00
Watchmen and assistant watchmen,	14,600 00
Sergeant-at-arms' messengers, porters, etc.,	8,260 00

State house matron,	\$850 00
State house carpenter,	1,400 00
Telephones,	8,200 00
Heat, light and power,	35,000 00
Care of state house and grounds,	24,000 00
New furniture and fixtures,	6,000 00
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	\$140,400 00

BALLOT LAW COMMISSION.

Compensation of the commission,	\$1,500 00
Contingent expenses,	150 00
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	\$1,650 00

BANK COMMISSIONER.

Commissioner's salary,	\$5,000 00
Deputy,	3,000 00
Salaries of examiners, clerks, expert and other assistants,	50,000 00
Printing, stationery, travel and incidental expenses,	20,000 00
Printing reports,	5,500 00
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	\$83,500 00

CIVIL SERVICE COMMISSION.

Commissioners' salaries,	\$6,500 00
Chief examiner,	3,000 00
Deputy examiner,	2,500 00
Secretary,	3,000 00
Physical inspector,	2,500 00
Registrar of labor,	2,500 00
Clerical assistance, office and incidental expenses,	30,700 00
Printing and binding report,	1,200 00
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	\$51,400 00

STATE BOARD OF CONCILIATION AND ARBITRATION.

Members of the board, salaries,	\$7,500 00
Clerk,	1,500 00
Travelling, incidental and contingent expenses,	15,000 00
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	\$24,000 00

CONTROLLER OF COUNTY ACCOUNTS.

Controller's salary,	\$2,500 00
First deputy,	1,800 00
Second deputy,	1,500 00
Third deputy,	1,200 00
Travelling and office expenses and printing report,	1,800 00
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	\$8,800 00

BOARD OF REGISTRATION IN DENTISTRY.

Members of the board, salaries,	\$1,700 00
Travelling and other expenses, including clerical services, postage, printing, etc.,	2,200 00
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	\$3,900 00

DISTRICT POLICE.

Chief of the district police, salary,	\$3,000 00
First clerk,	1,500 00
Second clerk,	1,000 00
Postage, printing, stationery, etc., and incidental and contingent expenses, including printing and binding annual report,	7,500 00
Detective department:—	
Deputy chief, salary,	2,400 00
Clerk,	1,200 00
Stenographers,	3,000 00
Compensation of members of detective dept.,	22,800 00
Compensation of fire inspectors,	12,300 00
Travelling expenses of members,	12,500 00
Special services and expenses of persons employed in investigating fires, including witness fees, travel, contingent and incidental expenses,	2,000 00
Inspection department:—	
Deputy chief, salary,	2,400 00
Chief inspector boiler department,	2,000 00
Clerks,	5,358 32
Compensation of members of the inspection department,	70,000 00
Travelling expenses of the members,	19,000 00
Apparatus for examination of engineers,	1,000 00
Use of cinematograph,	600 00
Board of boiler rules:—	
Compensation,	1,000 00
Expenses,	1,000 00
Operating expenses of the steamer "Lexington," used in the enforcement of the fish laws,	10,000 00
	<hr/>
	\$181,558 32

[To the honorable senate and house of representatives, January 20, 1911.]

In accordance with the provisions of chapter 220 of the acts of 1910, being "An Act to provide for supervision by the governor and council of expenditures and other financial operations of the commonwealth," I hereby recommend the enactment of bills authorizing the payment of the following sums, namely:—

SUPREME JUDICIAL COURT.

Justices, salaries and travel,	\$60,000 00
Retired justices,	5,250 00
Clerk,	3,000 00
Clerical assistance to clerk,	800 00
Clerical assistance to justices,	2,500 00
Expenses,	2,000 00
Reporter of decisions,	4,000 00
Clerks and expenses,	5,000 00
Officers and messenger,	2,400 00
Clerk, supreme judicial court, Suffolk,	1,500 00
Assistant clerk, Suffolk county,	500 00

SUPERIOR COURT.

Justices, salaries and travel,	175,500 00
Assistant clerk,	500 00
Expenses,	400 00

COURTS OF PROBATE AND INSOLVENCY.

Judges of probate:—

Barnstable,	1,400 00
Berkshire,	2,500 00
Bristol,	4,500 00
Dukes,	900 00
Essex,	8,000 00
Franklin,	1,500 00
Hampden,	3,800 00
Hampshire,	1,700 00
Middlesex,	10,000 00
Nantucket,	900 00
Norfolk,	4,000 00
Plymouth,	2,700 00
Suffolk,	12,000 00
Worcester,	7,500 00
Retired judges,	500 00
Judges acting in other counties than their own,	1,500 00

Registers of probate:—

Barnstable,	1,300 00
Berkshire,	1,900 00
Bristol,	3,500 00
Dukes,	800 00
Essex,	3,500 00
Franklin,	1,500 00
Hampden,	3,100 00
Hampshire,	1,600 00
Middlesex,	4,000 00
Nantucket,	800 00
Norfolk,	2,700 00
Plymouth,	2,200 00
Suffolk,	5,000 00
Worcester,	3,500 00

Assistant registers of probate:—

Barnstable,	\$550 00
Berkshire,	950 00
Bristol,	2,300 00
Essex,	4,100 00
Franklin,	600 00
Hampden,	1,550 00
Hampshire,	700 00
Middlesex,	7,000 00
Norfolk,	1,350 00
Suffolk,	5,300 00
Worcester,	1,500 00

Extra clerical assistance:—

Barnstable,	433 34
Berkshire,	600 00
Bristol,	2,066 67
Dukes,	266 67
Essex,	7,016 67
Franklin,	400 00
Hampden,	2,633 33
Hampshire,	600 00
Middlesex,	7,333 33
Nantucket,	300 00
Norfolk,	2,033 33
Plymouth,	2,100 00
Suffolk,	7,100 00
Worcester,	7,016 66

Clerk to register of probate, Suffolk,	1,200 00
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DISTRICT ATTORNEYS.

Suffolk district,	\$5,000 00
First, second and third assistants,	11,400 00
Deputy assistants,	3,600 00
Northern district,	4,000 00
Assistant,	2,000 00
Second assistant,	1,800 00
Eastern district,	2,400 00
Assistant,	1,600 00
Southeastern district,	2,400 00
Assistant,	1,600 00
Southern district,	2,400 00
Assistant,	1,600 00
Middle district,	2,400 00
Assistant,	1,600 00
Western district,	2,400 00
Northwestern district,	1,350 00
Travelling expenses,	1,500 00
Commission on probation,	5,000 00

\$483,200 00

[To the honorable senate and house of representatives, January 24, 1911.]

Under chapter 220 of the statutes of 1910, the responsibility is placed upon the governor and council of examining the estimates of expenditures for the ensuing fiscal year, and the governor is required to transmit these to the general court, "with such recommendations, if any, as he may deem proper."

In order to pass upon any estimate for a department, board or institution in accord with this statute, the executive should have the right to ascertain whether or not the business of that department, board or institution is being conducted on an efficient business basis.

However, chapter 220 does not invest the executive with authority to obtain the information which is requisite for arriving at a just conclusion; and there is no law under which the executive is at present empowered to obtain such information, as will be seen from the appended letter from the attorney-general under date of January 21, 1911, to which your attention is respectfully directed.

It is, of course, impossible for the executive effectively to carry out the provisions of the statute referred to unless also empowered to ascertain the facts.

Speaker Walker, who framed this statute, is reported recently to have said: —

"My bill for the control of the state finances is doing just what I wanted it to do. It has placed the responsibility where it belongs — on the governor — and made him realize it. He is now responsible to the people.

"Before the bill was passed last year there was no real responsibility anywhere. It is now 'up to' the governor. He must exercise control and be responsible for increase in expenditures and in the debt as well. If our accounting and auditing system is wrong it should be made right. The governor must investigate. He cannot evade the responsibility. If he needs assistance, he must have it. If the council does not prove an efficient body to investigate and advise (I had hoped it would), then experts must be employed to investigate and advise the governor."

It is not sufficient that the accounts of all expenditures be duly audited, or that the auditor be authorized to furnish the executive with information respecting the financial operations of the commonwealth. It is necessary that the executive be empowered to employ experts to study and in-

investigate the departments of the state, to determine their business conduct and efficiency and to report thereon to the governor and council.

I therefore ask for such authority at once to investigate the business methods of the several commissions, boards, and institutions, and all other divisions and departments of the state which receive appropriations of public money, in order that the executive may determine whether these methods are in accord with the highest standards of modern business efficiency.

Such business investigation by or under the executive is an absolute necessity, if chapter 220 of the statutes of 1910 is to be intelligently complied with.

This is especially true at the present time, as the appropriations asked for by the several departments of the commonwealth are increasing alarmingly; we are fully aroused to the financial danger of such a situation, and it is necessary to see at once what retrenchments, if any, are possible.

DEPARTMENT OF ATTORNEY-GENERAL, BOSTON,
January 21, 1911.

His Excellency the Governor and the Honorable Council.

GENTLEMEN: — You have orally required my opinion upon the question of your authority, under the provisions of statutes of 1910, chapter 220, to verify or to make investigation with reference to the estimates submitted to you by officers or boards having charge of any department, institution or undertaking which receives an annual appropriation of money from the treasury of the commonwealth in accordance with such provisions, by examining and auditing the books and accounts or prescribing the methods of accounting of such officers or boards.

The statute to which you refer is as follows: —

SECTION 1. Every officer or board having charge of any department, institution or undertaking which receives an annual appropriation of money from the treasury of the commonwealth, including annual appropriations to be met by assessments, shall, annually, on or before the fifteenth day of November, submit to the auditor of the commonwealth statements in detail showing the amount appropriated for the current fiscal year and the amounts required for the ensuing fiscal year, with an explanation of the reason for any increased appropriation, and with citations of the statutes relating thereto, and with a statement of

the expenditures for the current year and for each of the next preceding two years. The said estimates shall not include any estimates for special purposes or objects. The auditor of the commonwealth shall embody the said statements, with a like statement relating to his own department, in one document, which shall be printed, and shall be submitted on or before the first Tuesday in January of each year to the governor and council for examination, and the governor shall transmit the same to the general court with such recommendations, if any, as he may deem proper. The auditor shall also submit his estimates for the ensuing fiscal year for the ordinary and other revenue of the commonwealth which shall be made a part of the document herein provided for. Copies of the document shall be distributed to the members of the general court.

SECTION 2. Officers, heads of departments, boards, commissions and trustees of institutions, who, in their annual reports, or otherwise, recommend appropriations from the state treasury for special purposes or objects, including appropriations to be met by assessments, in addition to the ordinary running expenses, shall submit estimates thereof in detail to the auditor of the commonwealth on or before the fifteenth day of November in each year, and he shall classify them and embody them in one document which shall be printed, and shall be submitted on or before the first Thursday in January of each year to the governor and council for examination, and the governor shall transmit the same to the general court with such recommendations, if any, as he may deem proper. He shall make recommendations as to how much should be raised by the issue of bonds and how much should be paid out of current revenue. Copies of the document shall be distributed to the members of the general court.

SECTION 3. The plans, estimates and specifications made in accordance with the provisions of chapter five hundred and twenty of the acts of the year nineteen hundred and seven, or of amendments thereof, relating to any improvement described in either of the documents aforesaid, shall at the same time be submitted to the governor and council.

SECTION 4. The auditor shall furnish to the governor and council such further information in regard to the revenue, expenditures and other financial operations of the commonwealth, and in such form as the governor may require.

SECTION 5. The governor may, in his discretion, transmit to the general court from time to time, with his recommendations, if any, thereon, particular items in either of the said documents, and may withhold other items for further investigation.

SECTION 6. Section twenty-six of chapter six of the Revised Laws, as amended by section six of chapter two hundred and eleven of the acts of the year nineteen hundred and five and section five of chapter five hundred and ninety-seven of the acts of the year nineteen hundred and eight, and all acts and parts of acts inconsistent herewith, are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

It is to be observed that this statute provides that the auditor shall in the first instance receive the estimates of state officers and boards and transmit them to the governor and council for examination, together with estimates for ordinary and other revenue of the commonwealth made by him, and that the only power vested in the governor with respect to such estimates is that of making such recommendations as he may deem proper. It is also made the duty of the auditor to furnish to the governor and council further information in connection with such estimates regarding the revenue, expenditures and other financial operations of the commonwealth in such form as the governor may require.

I am of the opinion that this statute does not confer upon the governor and council, or upon the governor alone, any new or additional right to examine the expenditures or books of account of, or to prescribe the method of accounting which shall be used by, any state officer or board for the purpose of verifying or otherwise investigating the estimates so required. It is already provided by statutes of 1908, chapter 597, section 4, that, —

Under the direction of the auditor, the supervisor of accounts shall direct and control all the accounts in all departments, and shall have full authority to prescribe, regulate and make changes in the methods of keeping and rendering accounts, and shall see that they are properly maintained, and that all items are correctly allocated between capital receipts and disbursements and operating revenue and expense. He shall establish in each department a proper system of accounts, which shall be uniform so far as is practicable. He shall establish a proper system of accounting for stores, supplies and materials, and may provide, where he deems it necessary, for a continuing inventory thereof. He may inquire into the methods of purchasing and handling such stores, supplies and materials by the departments, reporting to the auditor such changes as may in his judgment be deemed wise. He shall provide such safeguards and systems of checking as will insure, so far as is possible, the proper collection of all revenue due the commonwealth; and, where he deems it necessary, shall provide that forms and receipts shall be numbered consecutively, making the departments responsible for their use or cancellation, —

and by section 6, that, —

Whenever the word “departments” occurs in this act it shall be understood to include all departments, boards, commissions,

institutions and officers of the commonwealth which incur expenses or to which income accrues, unless the context requires a different interpretation.

Under these provisions of law the auditor is given full authority to prescribe, regulate and make changes in the methods of keeping or rendering accounts in all state departments, boards, commissions and offices, and to see, by audit or otherwise, that they are properly maintained; and there is nothing in the language of statutes of 1910, chapter 220, to warrant a conclusion that by its enactment the legislature intended to supersede or modify the authority of the auditor under the statutes above cited by conferring upon the governor and council any supervision or control of public expenses or the methods of accounting therefor. Upon the contrary, it is the obvious intention of the latter statute that the estimates furnished to the governor and council in accordance with its requirements should be furnished through the auditor, and that any additional information which may be required in the premises should be supplied by him. (§ 4.)

The general power of the governor and council to investigate the expenditures of state officers, boards or commissions was made the subject of an opinion by my predecessor to his excellency the governor, dated April 26, 1909 (attorney-general's Report, 1909, p. 31), in which it was stated that: —

The governor and council may at any time examine such bills and vouchers in the auditor's department, and thus familiarize themselves with the expenditures of the commonwealth as much as they wish. They may take such measures as they see fit to ascertain that the money appropriated for the various institutions in the commonwealth is being expended in the manner intended by the legislature, and may make such personal investigation at the institutions themselves as may be necessary to make sure that this is being done; but they have no right to say that the money appropriated by the legislature shall not be expended in the way authorized by it. There are various departments under the immediate supervision of the governor, and in such departments it is his duty to see that the money appropriated is properly expended therein. There are other departments in which it is the duty of the head of such departments to see that money appropriated is properly expended, and for which the governor is not responsible, and in which he has no authority

except so far as may be necessary to see that the warrants are drawn in accordance with the appropriations authorized by the legislature. Should the governor and council be of opinion that the finances of any institution are not being properly and economically expended, the remedy would be by removal of the trustees or other officers over whom they have authority, in accordance with the statutes in such case made and provided. To this extent, under the constitution and law of the commonwealth the governor and council have authority to investigate the expenditures of any department, and to familiarize themselves as much as they see fit with any of the expenditures of the commonwealth.

I am, therefore, forced to the conclusion that, in the investigation of the estimates submitted to the governor and council, under the provisions of statutes of 1910, chapter 220, the governor and council are not authorized to audit the books or accounts of any officer or board whose estimates are before them for consideration, or to prescribe any method of accounting to be followed by such officer or board, and that such information as may be required with respect to matters of finance, in addition to that supplied by the estimates themselves, is to be furnished by the auditor in such form as the governor may require.

Very truly yours,

JAMES M. SWIFT,
Attorney-General.

[To the honorable senate and house of representatives, February 6, 1911.]

I urge you to memorialize congress immediately on behalf of Canadian reciprocity.

The president has submitted to congress his recommendations upon that subject; but it would seem from press reports that the present congress is unlikely to act upon them.

In view of these conditions, and in view of the emphatic stand which the people of this commonwealth have taken in favor of reciprocity, I deem it to be of the greatest importance that the congress receive at once from you a memorial to take prompt action in support of the president's recommendations.

A memorial from the legislature of Massachusetts will be of exceptional weight in congress.

This state is presumed to be the stronghold of tariff and high privileged interests; and it is imperative that this mistaken view of the position of our citizens be corrected and the sentiment of our state unmistakably manifested.

The people of this commonwealth are earnestly committed to a broad, progressive policy of trade expansion through reciprocity. This was not only proved last spring in the by-election in the fourteenth congressional district, but was signally emphasized throughout the state by the sweeping victory of the November elections; Canadian reciprocity having been the dominant issue in both campaigns.

It is incumbent upon you to see that the congress of the United States and the people generally understand the position of our state.

The president, acknowledging the universal demand of the country, is seeking to secure the necessary legislation, and it is our duty to uphold his efforts in order that the demands, not only of our state but of the whole country, shall be met.

Reciprocity, beginning with our relations with Canada, will broaden out until it includes the whole Western hemisphere in a common bond of unobstructed trade.

And, when we have united the entire Western hemisphere in a bond of mutual trade concessions; when we have linked both North and South America together by the power of our united industry and trade, we shall have established a mighty force for the maintenance of peace. We shall have ensured peace in our own half of the world, and gone a long way toward ensuring it all over the world.

For, when we have thus united the Western hemisphere in these bonds of reciprocity and peace, no nation on earth can contemplate an attack upon us individually or together. Controlling in one common policy so large a part of the food supplies of the world, we shall become vital to the welfare of every nation.

Thus, in memorializing congress at once, you have not only the opportunity to fulfil your obvious duty to the citizens of Massachusetts, but to advance our commonwealth to that position of leadership in determining matters of federal policy to which her history and traditions entitle her.

Moreover, with the realization of reciprocity on the continents of North and South America, the fortification of the Panama canal becomes unnecessary. There will be no reason to anticipate its hostile use, and no reason to incur the fearful costs of its fortification. For, through a progressive policy of reciprocal trade treaties, our country will become the arbiter of world peace, and thus attain to the position, not only of greatest power but of greatest honor, to which any nation can aspire.

[To the honorable senate and house of representatives, February 16, 1911.]

The cost of the public documents in this commonwealth is scandalous.

Statement " V " of the last auditor's report on " State Printing " contains items which aggregate slightly over \$106,000.

As a matter of record, however, the state pays annually the sum of approximately \$300,000, for its printed matter. The sum of \$250,000 goes to the state printers and \$50,000 is spent directly by the commonwealth in the purchase of paper for printing and binding.

Much of this heavy expense is without any justification whatever. The fullest publicity is necessary — but these reports defeat that purpose by their own mass. In my judgment the executive, with your co-operation, can save the state annually a sum of from \$50,000 to \$100,000 in this work. Massachusetts is justly proud of her pre-eminence in the matter of state reports, but the production of these reports has now run wild.

Leaving the legislative documents out of account as being a necessary fixture, the state now publishes each year over eighty reports in the form of bound volumes and pamphlets. These aggregate about 14,000 pages.

Many of these volumes are filled largely with routine details relating to the work of the boards and commissions, and are not only excessively expensive but are not even effective as a means of informing the public simply and clearly about the work for which the public pays.

The necessity for a change is again shown by the single item of more than \$50,000 for bindings, of which I believe a large part can be saved.

Moreover, these reports pile up in manuscript form and

are often out of date before they are printed. For example, the report of the state board of health for 1909 has not as yet been issued. I may say that the report of that board usually approximates 900 pages in length.

In the educational and charitable departments, the state now issues 25 or more reports, with a total of over 2,500 pages, — largely a matter of perfunctory routine. It is impossible to derive a quick and comprehensive view of the institutions as a whole from these reports.

It is time to change this unbusiness-like custom of producing almost unlimited reports, and to place upon the governor and council full responsibility for effectively controlling the publication of the documents relating to the various boards and commissions which are created by the state and maintained at the expense of the people.

I therefore urge that the board of publication be abolished, because it has not met the requirements of the case. In place of this board I call upon you to empower the executive to employ as editor and manager of publications a duly qualified expert in the publication of technical books. He should have authority to receive the material for all reports of commissions and boards (with such exceptions as will be enumerated), and to submit his recommendations upon each report in duplicate to the board, commission or other body in which it originated, and to the executive. He should be responsible for editing and condensing the material to the smallest practicable limits.

The governor and council would consider his recommendations and order each report printed in such form as they approve; but subject to the right of appeal from the board, commission or other body originating the report to the governor and council. In case of appeal it would be the duty of the governor and council to hear it and render their decision, which should then be final.

I append herewith a list of documents which, in my judgment, should not fall within the scope of this proposed change.

I urge you to accept now this opportunity to co-operate with the executive in reducing the expenses of the commonwealth, and to enact the necessary legislation without delay.

LIST OF PUBLICATIONS PROPOSED TO BE EXEMPT, AS STATED IN THE FOREGOING MESSAGE.

Manual for the general court.	Report of bureau of statistics.
Blue book.	Report of tax commissioner.
Pamphlet edition acts and resolves.	Report controller of county accounts.
Journals of senate and house.	Statistics of manufactures.
List of members and committees of the two branches.	Report commissioner of public records.
Book containing rules of two branches, etc.	Report of contested elections.
Report of state auditor.	Polls, property and taxes.
Report of treasurer.	Assessed polls.
Report bank commissioner.	Comparative financial statistics.
Report insurance commissioner.	List of state officials.
Report secretary of commonwealth.	Report of Boston finance commission.
Corporation abstracts.	Report of attorney-general.

[To the honorable senate and house of representatives, February 24, 1911.]

I herewith return without my approval House Bill No. 502, — being “An Act relative to qualifications for examination by the civil service commission.”

This bill provides that the civil service commission shall ask no questions in its application blank or in any examination paper relative to any offence committed by an applicant before he has reached the age of sixteen years, except in the case of applicants for police and prison service.

By making this exception, the framers of this bill bear witness to the importance of safeguarding our police and prison service from the possibility of admitting to such service any person of criminal record; and in my judgment all other departments of the public business should be accorded the same careful protection as that given to the police and prison service.

At present the civil service commission is empowered to ask questions as to the criminal record of every applicant; and it has the authority to decide whether such record represents a well established habit of criminality or only a boyish mistake or prank. Thus a conviction in an applicant's past record may or may not result in his exclusion by the commission, according to circumstances. Under this method, in my judgment, the applicant receives fair play; and I am informed of no general complaint to the contrary.

But under this proposed act the commonwealth would be

deprived of the power to protect itself against the admission to its public service of men who had become habituated to criminal acts in youth. The effect would inevitably be to lower the standard of character of public service and thus cause definite injury to the commonwealth.

I am therefore obliged to withhold my signature to this bill.

[To the honorable senate and house of representatives, February 27, 1911.]

I desire to call your attention to a situation in regard to the militia which I think demands prompt legislative action.

The policy of the commonwealth has been to endeavor to make service in the militia attractive to the young men of the state by providing beautiful armories and attractive uniforms, but the results have not been as satisfactory as is desirable.

We maintain a plant consisting of state armories to the value of \$3,250,000 and rent other armories at an additional annual expense of \$33,000, while our equipment, mainly furnished by the federal government, has a value of \$750,000. We have a magnificent plant but we lack the men.

The volunteer militia of the state is maintained as an organization for the purpose of training citizen soldiers. It is necessary first to get men enrolled and then to train them. For several years the commonwealth has been spending over \$700,000 annually for this purpose.

That we are not obtaining results is shown by the fact that out of an authorized strength of 6,600, we have only 6,000 men on our rolls. The enrollment of men is of slight importance, however, if they are merely an army on paper. To properly develop an efficient fighting force, these men must be assembled for individual instruction and for organization, instruction or team work.

That we are failing lamentably in the last respect is evident from the fact that attendance at drills is not over 50 or 60 per cent of the maximum enrollment. The reason why this condition prevails is not far to see.

The 500,000 men of the unorganized enrolled militia of this state, who are subject in time of war to military duty, expect the 6,600 of the organized militia to get the nec-

essary training in time of peace and be prepared in time of war.

Since the passage of the Dick law an officer or soldier in the organized militia is practically in the service of the United States. When he takes his oath of office or of enlistment, he is subject that moment to the president's call. When that call comes, he passes from the state service into the national service without a new enlistment and serves until the termination of the service for which he originally volunteered. His service is not limited as to time nor as to place. He may be sent on foreign service to any quarter of the globe. The National Guard must be called into service before any volunteer force is raised.

The men of the organized militia are asked to give up one or two nights each week, many Saturday half-holidays and eight or more days for camp duty as a substitute for their year's vacation, and with no financial consideration. It is expected that they will shoulder this burden from a sense of patriotism.

The results obtained from the present system are remarkably good and the unselfish patriotism of our citizen soldiers deserves the highest praise.

To my mind the businesslike solution of the present unsatisfactory condition is to pay these volunteer soldiers for their services. This course is now strongly recommended by the National Guard Association of Massachusetts and of the United States and by General Wood, Chief of General Staff, U. S. A.

In order that we may protect and safeguard our already large investment in our military plant, it is incumbent upon us to see that we get the men. Under the present conditions it invites sacrifice which ought not to be required. It would be better judgment to discontinue further building of armories, if necessary, rather than to neglect to bring up the efficiency of the militia.

I therefore recommend legislation to pay the organized militia enough to insure a full enrollment and the presence for instruction of a sufficient number of men to properly utilize our plant and equipment. Such payment can be discontinued as soon as the federal government takes up this burden.

[To the honorable senate and house of representatives, March 14, 1911.]

At the present time the commonwealth rents offices outside of the state house in Boston for which the aggregate rental is over \$45,000.

To meet this condition and to provide for future growth it has been proposed to enlarge the present state house at a cost which would probably approximate \$2,000,000.

Under chapter 545 of the acts of 1907 a board was constituted, to serve without pay, for the purpose of devising and reporting a plan for the extension of the state house. This board reported in January, 1908, against enlarging the state house, but recommended the erection of an office building to be used in conjunction with the state house.

That board, however, in studying the current use and distribution of office accommodations within the state house, said:

“Whether a readjustment of business methods might in some cases result in greater efficiency and the employment of fewer persons, is a question which can be answered only by the heads of departments or by some person familiar with methods in the business world.”

In my judgment the present state house is adapted to accommodate at least a part of the work for which outside offices are now rented, and I therefore request authority to appoint a board of three men, to serve without pay, whose duty it shall be to determine whether, and by what means, the employees of the state for whom outside offices are now rented may be accommodated in the state house.

The function of this board would be to study the present use and distribution of office space used by the state from the point of view of business men, as suggested by the previous board. They would consider the problem as if this space were to be utilized by a business concern dependent upon private capital.

The findings of this board will be of special value at this time in conjunction with the work upon which the experts whom you have authorized me to employ are now engaged.

The board should render its report on or before May 1, 1911. The report need not be printed, but should be rendered in triplicate, to the executive, the president of the senate, and the speaker of the house.

[To the honorable senate and house of representatives, March 17, 1911.]

I have the honor to transmit to you a copy of a letter from the Honorable Franklin MacVeagh, secretary of the treasury, asking for such special act of the Massachusetts legislature as will extend the period within which a plan may be filed in the office of the secretary of the commonwealth for the cession of land for a federal building site in Lowell.

A proposed draft of the act necessary is also enclosed, together with the letter from the honorable secretary of the treasury and the opinion of the attorney-general of this commonwealth.

In accordance with the request of the honorable secretary of the treasury, I invite your immediate consideration of this matter.

[To the honorable senate and house of representatives, March 24, 1911.]

I am advised by the adjutant general that one L. F. Gates, then a lieutenant in the Massachusetts naval brigade, but later tried by court-martial and dismissed from the service, contracted bills to the amount of \$129.70 while in the commonwealth of Virginia in the course of duty.

These bills were for supplies of various sorts for individual members of the militia but were purchased in connection with other supplies which it was the duty of lieutenant Gates to obtain and furnish to the militia. He collected the amount of these bills from the persons for whom the supplies were obtained, but did not pay them. He is not now within this commonwealth.

The bills are not legal obligations of Massachusetts and there is no appropriation from which they may be paid. They were, however, contracted by an officer wearing the uniform of this commonwealth and engaged in the performance of his official duties.

In my judgment the good name of Massachusetts requires that the bills be paid, and I recommend that an appropriation be made for this purpose. A letter from the adjutant general dated February 18th, and two letters from the attorney-general dated respectively February 28th and March 3rd, relative to this matter, are appended hereto.

[To the honorable senate and house of representatives, March 27, 1911.]

I return without my approval senate bill No. 834, which appropriates funds from the state treasury to be expended upon a military commemoration, in Lowell, on April 19th, to mark the fiftieth anniversary of the first shedding of blood by Union troops in the civil war.

In my judgment no helpful service to the people of this commonwealth or of the nation can be rendered by this commemoration of blood shed in battle between the then opposing sections of this country.

Nearly half a century has passed since the principal events of the civil war, and in so far as it is still right and proper to apply the public funds to mark any of these events, it is more fitting, as a rule, for us to use them to ensure the support and comfort of needy veterans.

If any anniversaries in connection with the civil war are to be established in the future at the expense of the state, they should, in my judgment, commemorate the return of peace.

I would not be understood as being hostile to any local celebration which a town or city desires to hold at its own expense.

[To the honorable senate and house of representatives, March 28, 1911.]

Under chapter 82 of the acts of 1911, I have retained experts to investigate the commissions, departments and institutions of the commonwealth.

Owing to the importance of these various lines of inquiry, and to their wide range, I believe it will be expedient to present the reports of the experts to your attention in sections.

I now submit to you herewith the preliminary report of Mr. Harvey S. Chase. I recommend this report to your careful consideration; especially Mr. Chase's statement that "nowhere in the accounting system of the commonwealth is there provision for a balance sheet which should exhibit the current assets and the current liabilities of the whole state at the end of each fiscal year." He also finds that such balance sheet should be prepared monthly for the information of the governor, the council and the financial committees of the legislature.

I earnestly direct your attention to this point in particular, because, in my judgment, it is not possible to trans-

act the business of the commonwealth properly upon a modern business basis, unless such monthly accounting of assets and liabilities is instituted.

Moreover Mr. Chase states, in reference to the sinking funds, that "the state taxes have been higher than absolutely necessary, by the amounts which have been paid into the sinking funds heretofore in excess of sound and sufficient requirements annually."

This is obviously unjust to present tax payers; it throws on them a burden which the future should carry, and the condition calls for careful study and a prompt remedy.

[To the honorable senate and house of representatives, March 30, 1911.]

In accordance with the provisions of chapter 220 of the acts of 1910, being "An Act to provide for supervision by the governor and council of expenditures and other financial operations of the commonwealth," I hereby recommend the enactment of bills authorizing the payment of the following sums, namely:—

Massachusetts Institute of Technology,	\$29,000 00
Worcester Polytechnic Institute,	15,000 00
Expenses resulting from wars,	870,000 00
Massachusetts State Firemen's Association, . . .	15,000 00
Expenses in town of Mashpee, repair of roads, etc.,	300 00
Reimbursement of official bonds,	2,000 00
Retired veterans,	43,500 00
Retired prison officers,	6,000 00
Construction and improvement of buildings, . .	2,000 00
Maintenance of Old State House,	1,500 00
Reimbursement of cities and towns for loss of taxes	
on lands,	35,000 00
Interest,	1,267,270 74
Improvement of harbors,	5,000 00
Public buildings,	87,500 00

[To the honorable senate and house of representatives, April 5, 1911.]

I submit herewith a second report from one of the expert examiners who is investigating various departments of the commonwealth, Mr. Harvey S. Chase. This report relates to the bank commissioner's office.

It is evident from this report that the expenses of the bank commissioner's office have been increasing at a rapid rate, having risen in ten years from \$22,000 (including cost of printing reports) to \$55,000, and this year the estimate of expense is \$83,500.

It is furthermore evident that under the existing conditions this expense would continue to increase and thus add an excessive burden to the commonwealth.

I therefore recommend that you carefully consider Mr. Chase's suggestion that the investigation not only of savings banks but of trust companies, co-operative and private banks and bankers, be made in future by public accountants, certified under the laws of the state, who shall be paid by the banks, but whose reports shall be submitted to the bank commissioner.

This rule is now in force regarding savings banks, and its extension to include all other banking institutions would remove this increasing burden from the commonwealth.

Such certified accountants should be placed under large bonds, to ensure the full discharge of their duty.

I also direct your attention to the fact that the expert has been unable to determine how the time of the bank commissioner's examiners has been spent because no comprehensive system of time sheets is as yet in operation. Mr. Chase reports that he is able to account directly from the records now kept for only about \$10,000 of such expenditure of time out of a total salary list of \$31,000 during the year 1909, and for about \$14,000 out of a total of \$37,000 in 1910.

It is obvious that a comprehensive system of time sheets covering the use made of working time for which the commonwealth pays should be maintained.

If this is done and a suitable division of expense is established by statute between the work of the bank commissioner's office and the work proposed to be done by certified accountants, a great economy of expense should result to the commonwealth.

Furthermore, it appears that a large cost is incurred by the commonwealth on account of the present manner in which vacations are granted to employees. Considering that the office hours kept in the offices of the commonwealth are exceedingly moderate, it would seem reasonable to investigate carefully (as in fact is now being done) the average practice among the various departments of the state in regard to vacations.

I shall bring to the attention of the council the necessity of making at once some definite plan for more carefully controlling the time now withdrawn from the public ser-

vice by reason of employees' vacations, and endeavor to place this matter on the same footing that is usual among business concerns.

[To the honorable senate and house of representatives, April 7, 1911.]

The prison commissioners have asked for special appropriations aggregating \$23,250 for new machinery in the state prison, Massachusetts reformatory and the prison camp and hospital.

I have directed that these items be looked into by one of the engineers in charge of the investigation, Mr. H. L. Coe, — and I present his report herewith.

The sum of \$4500 is wanted for installing a new engine at the Massachusetts reformatory.

There are at present two engines installed, and it appears that the maximum power now required is about one half the capacity of one of these engines. The second engine is out of balance, and if it had to run continuously would undoubtedly require repairs, but the fact is that it is used only temporarily when the other engine is shut down.

The extravagance of installing a new and expensive engine under these circumstances is sufficiently apparent from the foregoing.

I cannot pass this appropriation, therefore, but would recommend that the reserve engine which is not at present in use be repaired.

Nevertheless, the engineer reports that it is doubtful whether the defects in this engine are due to an accident to the engine itself, or to faulty construction, and it is imperative that this point also be determined satisfactorily before the state repairs the engine at its own cost.

At the state prison, new boilers, a boiler house and a chimney are asked for, aggregating \$17,500 of expense.

The report of the engineer shows that there are now in use two boilers which are twenty-five years old, and two boilers that are seventeen years old. We are requested to discard all these boilers and buy new ones, on the claim that the boilers are too old to use for power. The reports of the boiler inspectors, however, have not justified such contention. We find that the oldest boilers are used for power and the newest boilers are used for heating, and it would seem reasonable to cut down the pressure on the old

boilers and use them for heating, and use the newer boilers for power.

If this is done we shall not need to spend \$17,500, but only a very small sum will be needed for re-tubing the seventeen year old boilers.

The installation of one new boiler in place of the three asked for will, I am convinced, not only answer all possible requirements of the present, but will give ample boiler capacity for many years to come. If in the future any one of the existing boilers is condemned, the new boiler will provide power to take the place of it.

I am advised that no additional chimney will be required at the state prison for this arrangement, as there are two chimneys already standing.

I am willing to allow the \$1250 requested for laundry machinery at the camp and \$5100 for one new boiler, with setting, addition to boiler house, and for re-tubing two of the present boilers at the state prison, making a total of \$6350 in place of the \$23,250 requested.

[To the honorable senate and house of representatives, April 10, 1911.]

Under authority of chapter 82 of the acts of 1911, I assigned to Mr. C. L. Harpham of the Harpham and Barnes Company of Boston, — business economists and engineers, — the work of investigating the state farm at Bridgewater; and his preliminary report is submitted herewith.

I regret exceedingly that the investigation has disclosed practices with respect to the expenditure of money which would be absolutely intolerable in a private business enterprise. These practices should be stopped at once.

It is found, for example, that there is no purchasing system in operation; — that bids are not solicited for food supplies, — and that there are grave irregularities in the manner of disbursing money.

As an instance of this it is only necessary to say that the foreman of construction has drawn approximately \$200,000 during the past fifteen years, of which \$39,000 was drawn during the past three years (largely on his own personal receipts) for the hire of laborers; and that as a rule there are no receipts on file of any sort to prove what disposition of this money was made.

This foreman, although he has been for many years reg-

ularly employed at the state farm, does not appear in the officially printed list of employes.

Live-stock is bought by an agent of the state farm and paid for by the state; but no receipts can be found to show from whom the stock was purchased or at what price the agent bought it.

The treasurer of the institution, who does the purchasing and who is on a regular salary of \$2500 a year, is permitted to draw additional sums for services. As an example, he presented a bill December 5, 1910, for \$175 on behalf of himself and another man, for taking an inventory of the stock on hand.

In my judgment, the manner in which supplies are purchased is even more reprehensible, — for while the payroll amounted to less than \$100,000 during the past year, sums in excess of \$300,000 were spent for food products, materials and other expenses without the safeguards which a rigid and business-like purchasing system would provide.

It appears from the report that the duties of treasurer of this institution are not adequately met.

Moreover, the taxpayers have a right to demand that hereafter the food supplies of this institution and all our other institutions shall be purchased upon a basis of competitive bids, and that price, quality and service shall be the determining factors in approving or rejecting bids.

I need not go into details further than to state that such a purchasing system, if applied only to the coal purchased by the commonwealth for its various buildings, — should save the taxpayers at least \$40,000 annually; and that similar economies must result from a more business-like system of purchasing materials, food products and other supplies. This system should provide, however, for small local purchases when necessary.

I am very glad indeed to say I believe that Hollis M. Blackstone, the superintendent of the state farm, is wholly innocent of any intent to sanction financial laxity. The state farm has grown from a small beginning to its present large proportions. During this growth its management should have taken on a character suited to a large business, but this has not been done.

In view of these conditions, I cannot approve the appropriation of \$20,000 for further improvements and repairs

to be expended under the present system of carrying on building operations. I do approve the balance of the appropriation, namely, \$311,000, which is absolutely necessary for the conduct of the institution; but recommend a complete reorganization of the existing business methods.

[To the honorable senate and house of representatives, April 11, 1911.]

I desire to call your attention to the order No. 1910 recently submitted by the joint committee on taxation, requesting the opinion of the supreme judicial court upon important questions of law relating to the power of the general court to levy assessments, rates and taxes.

The recently disclosed attempts by wealthy citizens to evade taxation, — particularly taxation of personal property, — have deeply stirred the people of Massachusetts. Such evasion is not new, but it has now reached a point where extraordinary effort should be made to stop it.

Our present methods of taxation are undoubtedly defective. Special commissions and legislative committees have frequently recommended radical changes, and the general discontent with existing methods is proved by the great number of projects submitted to you for amending them. The opinion is widespread here, and in fact in all civilized countries, that the burdens of taxation are not at present justly distributed.

Serious questions have, however, arisen regarding the constitutional power of the legislature to levy taxes, and so long as such doubt exists it will be used as an excuse by all whose special interests are opposed to the general welfare, to discredit and oppose any such change.

In order that our present tax laws may be amended it is absolutely necessary that your constitutional authority be determined by our supreme court.

I therefore urge upon all your members to unite in asking the supreme court for such a decision. When such determination has been reached you can attack the problem of improving our methods of apportioning and enforcing taxes with some hope of success.

The evasion of the tax laws, whether due to the desire to evade just burdens or to weakness in the system of taxation itself, — cannot be tolerated in any country that is and desires to remain free.

Such evasion debauches private morals and destroys the

foundation of good citizenship. It converts our tax laws into agents of injustice and oppression, and thereby strikes at the basis of political justice. It creates favored classes and arouses the resentment of the less favored classes against them, and thus contributes to class hatred and prejudice.

Nothing more certainly destroys respect for law; and I am persuaded that in Massachusetts the time has come to terminate conditions that are a reproach to the good name of the commonwealth.

It goes without saying that our laws, whatever they may be, relating to taxation, — should be enforced; and I now have under consideration plans for improving and strengthening the methods of such enforcement.

[To the honorable senate and house of representatives, April 11, 1911.]

I return herewith an act "Relative to the promotion of call men in the fire department of the city of Marlborough," which provides that certain call men in the Marlborough fire department shall be eligible to the permanent force upon the approval of the mayor and the certificate of a physician, without further examination.

I cannot approve this bill. It raises the present age limit of eligibility from forty-five years to fifty years and cuts the period of service required from ten years down to five years; and it is limited, in its application, to Marlborough.

I can see no reason why the commonwealth should re-adjust these details in respect to individual towns and cities. If existing laws are wrong, then they are wrong throughout the commonwealth and should be properly amended to apply to all communities.

Again, it is not right that a physician's certificate and the endorsement of the mayor should replace the examination of a candidate, so long as the established examination is just and necessary. If, on the other hand, the examination is in any way unjust, steps should be taken to change the system not merely in Marlborough but throughout the commonwealth.

Moreover, such an act is special legislation, and favors a particular set of men who desire promotion, from which present regulations exclude them; but in the same way such acts injure an equal number of men who might otherwise qualify for and receive positions.

Efficient call men should be perfectly willing to compete for positions in the permanent force, and not rely upon political influence for appointment.

[To the honorable senate and house of representatives, April 13, 1911.]

I assigned to Mr. Clinton H. Scovell the work of investigating expenditures in connection with gypsy and brown tail moth extermination. His report is submitted herewith.

Mr. Scovell finds that the public is not getting a satisfactory return from the present vast expenditures of public funds, which aggregate nearly \$1,000,000 annually.

He finds that the state forester's office is inefficient and that the work done by cities and towns at the expense of the state is wasteful.

The state gives large sums to towns and cities which are paid out to men who may, and may not, do the work for which they are paid. The state inspectors' reports indicate that in many cities and towns this expense is worse than wasted.

The work of hunting for nests and exterminating them has absolutely failed to stop the spread of the pests, and apparently the only hope of extermination lies in the use of parasites which attack and kill them. Yet, in many cases, I am informed that the present method of extermination by spraying kills these parasites as well as the pests.

In my opinion all, or nearly all, future work should be limited to the frontier of infested territory to prevent the spread of the pests. By this means the state will work in co-operation with the federal government which is also trying to protect the uninfested territory, and devoting \$300,000 to this end.

In the purchase and distribution of supplies there is also serious lack of business method; materials and supplies are not satisfactorily billed or inventoried.

In my judgment the present state forester cannot, and does not, give to the moth work the attention it demands. His field is the general department of forestry, which it may prove feasible to combine with the work of the fisheries and game department, under the direction of a single manager.

In my opinion the gypsy moth work should be put into the hands of a manager who should give his whole time to it and be responsible for the full performance of all work

in this line for which the state pays money. He should have direct authority over the moth work now done by the forester's office, by the highway department, the metropolitan park commission and all other departments of the state. Only in this way will the work be brought to a uniform grade of efficiency.

Every reimbursement demanded by a town or city should be refused until the state manager certifies that the work is well done. For only in this way will it be possible to stop the present gross misuse of public funds.

I shall take up at once with the council the necessity of establishing a better business method of dealing with these problems.

The current appropriations pending for this work are as follows:

Metropolitan park commission asks for \$78,890.

Massachusetts highway commission asks for \$10,000.

The state forester also asks now for \$150,000, and will undoubtedly (as in previous years) ask for special appropriations which will more than double this figure.

To these sums must be added the net expenses of cities and towns amounting to \$200,000 or more, and the \$300,000 appropriation by the federal government, to show the actual expense of public funds.

I regret that the pending annual appropriation of \$150,000 for moth work under the state forester has been authorized by a previous legislature to run for three years, this being the third year. See chapter 452, acts of 1909.

Special appropriations were passed last year bringing the year's total appropriation up to \$315,000. In my judgment these special appropriations should be withheld. The sum of \$150,000 which should be ample to cover all work that can be usefully done, is hereby approved.

Respecting the further sums required by the forester for his forestry work, and for the maintenance of his office, I am compelled to defer my approval of these while considering the feasibility of recommending to the legislature the consolidation of this work with the department of fisheries and game under a single head.

[To the honorable senate and house of representatives, April 14, 1911.]

I submit herewith Mr. Harvey S. Chase's report on the insurance commissioner's department.

I call your attention to Mr. Chase's figures regarding the moneys collected by this department, which now approximate \$100,000 annually, although the liability bonds under which the insurance commissioner's office is secured amount to only \$10,000; and I earnestly advise, as a matter of good business management, that the statutes be amended so that practically all moneys paid into the commonwealth may come directly to the treasurer's office.

I also note again the fact that no satisfactory records are kept of the time spent by employees. Also that there is wide variation among the different departments in respect to sick leave, and rates of pay during absence from office.

I shall refer this portion of Mr. Chase's report to the council in connection with similar findings in other departments, and endeavor to bring about a uniform method throughout the offices of the commonwealth, in line with the practice of the best private business concerns.

Throughout all the foregoing points it should be borne in mind that the insurance commissioner's office is not under censure. The lax method of administration throughout the offices of the commonwealth, by which such lack of uniformity has arisen, calls for correction.

With respect to the duties of the insurance commissioner, Mr. Chase finds it is impossible for the insurance commissioner's office to completely verify the assets and liabilities of the insurance companies under the existing statutes, and I believe that the statutes should be revised in this particular.

It is manifestly absurd to have on the statute books any requirements which cannot be fully complied with under the conditions of the statutes, and it is destructive of all good governmental policy to impose requirements and not provide for meeting them.

Respecting the present use of space, I defer consideration until a later report in which this and other offices of the commonwealth will be compared with office space as utilized in private business enterprises.

I approve the appropriation of \$73,500 for this department, but urge your attention to the matters of bonding and of centralizing all moneys in the hands of the treasurer.

[To the honorable senate and house of representatives, April 14, 1911.]

In accordance with the provisions of chapter 220 of the acts of 1910, being "An Act to provide for supervision by the governor and council of expenditures and other financial operations of the commonwealth," I hereby recommend the enactment of bills authorizing the payment of the following sums, namely:

Annuities to soldiers and others,	\$5,836 00
Pensions,	280 00
Premiums on securities purchased for the Massachusetts School Fund,	5,000 00
Payment of claims arising from the death of firemen,	10,000 00
Fees for medical examiners,	700 00
Damages by wild deer,	10,000 00
Small items,	1,000 00
Assistance to the town of Truro in maintaining a section of its highway known as Beach Point road,	500 00

[To the honorable senate and house of representatives, April 14, 1911.]

In accordance with the provisions of chapter 220 of the acts of 1910, being "An Act to provide for supervision by the governor and council of expenditures and other financial operations of the commonwealth," I transmit herewith an estimate by the metropolitan water and sewerage board for supplying the town of Hyde Park with water from the metropolitan water works.

Under the acts of 1895, the town of Hyde Park was made one of the municipalities constituting the metropolitan water district. It has not, however, been supplied with water from the metropolitan water works, but the town having now duly made application, it is the duty of the board under the act to proceed at once to take the necessary measures therefor.

The estimates of the metropolitan water and sewerage board, aggregating \$212,000, are approved, and I recommend for your consideration the draft of an act which has been submitted with the estimates by the metropolitan water and sewerage board.

In approving this expenditure, I recommend that the money be raised by suitable bonds, substantially in accordance with the provisions of the act as drafted.

[To the honorable senate and house of representatives, April 15, 1911.]

The Honorable William M. Olin, secretary of the commonwealth of Massachusetts, died at his home in Boston this fifteenth day of April, at 12 o'clock noon.

It is with most profound regret that I make this official announcement to your honorable bodies.

Although of southern birth, he came from New England parentage, and most of his life was spent in Massachusetts.

Entering the army a boy as a private soldier, he served through the war with honor and distinction. His loyal services have been signally recognized by the Grand Army of the Republic. His ever flowing fund of good humor was never overtaxed, and whether at a camp-fire of the grand army or in his chosen circle of friends, he was ever the same in cordial friendliness toward all who were within the circle of his influence.

As a citizen he was true to all the duties of civic life. He was called to the public service in 1890 in the office of secretary of the commonwealth. His predecessors had been men who had held the office for long terms and had always enjoyed the public confidence. To say that he was the equal of any who had preceded him in public esteem is to pay to him a high but a deserved compliment.

It may be said of him in truth that none had enjoyed any fuller measure of public confidence, and no one had filled a wider sphere in the social life of the large circle in which he moved.

His devotion to his duties as secretary of the commonwealth was conscientious and painstaking. He was always at his post and spared neither time nor strength in the performance of his duties.

He endeared himself to all with whom he came in contact and he most faithfully and ably served the commonwealth.

I have directed that the national and state flags be lowered to half-staff on all buildings of the commonwealth from now until after the funeral as a token of respect.

Your honorable bodies will doubtless take such action as may seem fitting, and I will meet the convenience of any committee that may be appointed and confer with the committee as to the best method of showing respect to his memory.

[To the honorable senate and house of representatives, April 20, 1911.]

I am in receipt of a letter from the acting secretary of the navy, under date of April 13th, calling attention to a recently approved act of congress "to protect the dignity and honor of the uniform of the United States."

This act, a copy of which is attached hereto, prohibits proprietors, managers or employees of theatres or other public places of entertainment, or amusement, from making any discrimination against any person lawfully wearing the uniform of the army, navy, revenue-cutter service or marine corps because of such uniform. The act is applicable only to the district of Columbia and other territory over which congress has legislative power.

The secretary also refers to the frequent visits of naval vessels to the harbors of Massachusetts, and adds that the navy department would be very much gratified if legislation might be secured in Massachusetts along the lines of the act of congress on this subject.

If you find that there is any such discrimination within this state I hope you will take suitable measures to stop it.

[To the honorable senate and house of representatives, April 20, 1911.]

I call to your attention the necessity of providing for the regulation of aeroplanes.

These machines are now being manufactured in such numbers that the present year will probably witness a greatly increased use of them. They already present a serious menace to life, and their increasing use will occasion a much more serious danger to the public.

They should, I believe, be restricted, so far as law can accomplish such result, to certain limited and specified routes and practice grounds.

Governor Baldwin of Connecticut has kindly sent me the draft of a bill recently introduced into the legislature of that state, and I transmit it herewith for your consideration.

In connection with this subject I desire to say that it appears to me that great advantage would result if all legislation of this sort is enacted in co-operation with the legislatures of the other New England states.

For lack of such co-operation, Massachusetts and the other New England states have in the past enacted laws

regulating transportation which are widely at variance. Much confusion and waste result from such lack of method, and our New England states thus lose the value which a sort of confederation in our legislative methods would bring about.

I urge you to consult with the governing bodies of other New England states and endeavor to formulate laws for the regulation of transportation by air-craft which will be fairly uniform.

[To the honorable senate and house of representatives, April 20, 1911.]

I request that the legislature empower the governor, with the consent of the council, to appoint a single commissioner to visit the site of the forthcoming Panama Exposition at San Francisco, and report his recommendations to the legislature as to what sort of building the commonwealth ought to erect at the exposition and what further plans should be made for suitably representing the state and her industries.

The commissioner should also indicate whether, in his judgment, Massachusetts cannot co-operate with all the other New England states to erect a joint exposition building.

New England in a large sense is a unit, and our local industries are sufficiently related to those of all the other New England states to justify careful consideration being given to this matter.

Such a joint exhibit should result not only in marked economy but increased effectiveness, and would demonstrate to the world the industrial power of New England as a whole.

If such joint building appears feasible, the commonwealth would not require a special building of her own, and the commissioner's recommendations should indicate whatever advantages he believes both plans may present.

I recommend that not over \$1,000 be appropriated for the expenses which the commissioner may incur during the current year.

[To the honorable senate and house of representatives, April 21, 1911.]

I transmit herewith the report of Mr. Harvey S. Chase upon his investigation of the bureau of statistics of the commonwealth. The report relates especially to the rev-

enue deficiencies and the increasing debts of municipalities throughout the state.

I call your attention to the extraordinary condition in many of our cities and towns in relation to trust funds. It appears that more than \$850,000 of funds left in trust to cities and towns have been appropriated and used for current expenses, and there are no specific assets to represent these legacies and bequests.

Mr. Chase furthermore finds after examination of only one half of the towns in the state that over one million dollars of outstanding obligations of these communities have no provisions whatsoever for payment, no sinking funds, no serial bonding provisions, and no offsetting assets other than the general taxing power.

Some of these funds have been running for twenty, thirty and even sixty years. One such fund for \$1,000 has paid to date \$3,540 in interest. Another fund of \$50,000 has paid over \$123,000 in interest.

Mr. Chase also finds that in many cities and towns loans in anticipation of tax collections are not paid from such collections within the year, as the law directs, but are renewed and made a permanent obligation of the city or town. This is directly contrary to the intent of the law. Two hundred thousand dollars of such notes have been found in one city, \$160,000 in another, and relatively large amounts in other cities and towns.

The extraordinary increase of municipal debts in recent years appears to result in large part from unwise legislation.

The law has limited the local tax rate, instead of suitably limiting the purpose for which towns and cities may incur debt.

Municipalities thus incur immense debts through issuing bonds and using the proceeds to pay their annual running expenses.

This is a dangerous practice. Mr. Chase states that "it is obligatory upon the legislature at the earliest practicable moment to change the policy of the state in this respect." No other state in the Union presents a parallel case.

These dangerous conditions show the necessity for a state-wide finance commission.

I believe this is one of the most important matters into which the investigators are examining.

I desire to call attention also to the recommendation which I made in my inaugural message that the public business within this commonwealth should be conducted along well-established business lines; that the methods of compiling statistics in various cities, county and town administrative departments appear to be an arithmetical chaos; that expenses have increased in the several counties of the state, while it has been impossible to obtain reliable information regarding these costs.

I called attention to the necessity of creating a central finance board with powers covering the whole state, and having authority to summon persons with papers.

Such a board would be of the highest importance as a means of preventing fraud and extravagance.

Mr. Chase's report fully confirms the foregoing, and I would deplore the failure of the present legislature to create a central finance board for the state.

I urge you not to leave this matter until you have given it careful consideration, and enacted the necessary legislation.

A further point to which I wish to direct your attention is in relation to the free employment offices conducted under the bureau of statistics.

Mr. Chase finds that for the last year the cost to the state for each position secured to applicants by these offices has averaged 96 cents and that over twenty thousand positions have been filled.

I desire to see these free employment offices used by the institutions of the state for securing employees.

Especially in our asylums where the attendants remain on an average considerably less than one year, great hardship is caused to them by the existing method of hiring employees from private employment agencies. I am informed that these private agencies exact a fee amounting to two weeks' wages in some cases, and I believe it will be better if the state were to secure employees for its institutions from the free employment offices which are conducted under the bureau of statistics.

I approve the pending appropriation of \$95,750 for the expenses of the bureau of statistics, but urge that a finance board be created with powers to remedy effectively the dangerous condition of public finances which the bureau of statistics has revealed.

[To the honorable senate and house of representatives, April 24, 1911.]

Herewith I transmit Mr. C. L. Harpham's preliminary report on the Massachusetts Agricultural College.

The present inventory value of the property is slightly over \$883,000 and there are 402 regular students enrolled.

The working spirit of the college is commended, and means suggested whereby its usefulness to the farmers of the state can be increased. Considering the vast importance of agriculture in this commonwealth, I think these suggestions should have earnest attention.

Turning now to the pending appropriations, the college now wishes to erect a \$75,000 dairy-demonstrating building; a brick, steel and concrete structure of three stories and basement, and including a bacteriological laboratory and museum.

I cannot believe that such a building — totally unlike anything the average farmer would build — can afford him a practical demonstration of profitable dairying. Mr. Harpham finds that the present quarters for this work are crowded, and I think plans should be made now for a typical farm building of moderate cost, such as the average farmer could use on his own farm, modified only as required for demonstrating purposes.

I also recommend that all demonstration work at the farm, in poultry, market-gardening and horticultural work, be put on a commercial basis. That is, if such demonstrations are to help the farmers to make money, they ought to demonstrate money-making power. At present, I am informed, the demonstrations are the principal items of expense.

Mr. Harpham advises also that the college conduct demonstrations in farming at the various state farms, in order to spread them over the state where the farmers can visit and profit by them. Such demonstrations might require hired labor, but if the demonstrations were of the right sort, such labor would pay for itself.

Furthermore the college is now free to all students. Yet, 37 other state colleges now charge tuition to all students from other states, and 17 of these charge their own students also.

I think we should collect tuition from students from other states, who form from 15 to 20 per cent of the total

regular enrollment. Mr. Harpham recommends that our own students also pay tuition, believing that the principal benefit of the college is not to these students but to the farmers whom the college can reach through demonstrations and advice.

A \$25,000 addition to the dining hall is requested to accommodate the expected increase of students next year, and also a \$20,000 dormitory to house fifty students. But so long as we maintain that number of non-paying students from other states, I do not think either of these expenses should be allowed.

Aside from new buildings, \$91,500 is wanted for improvements, repairs and maintenance. This is over 11 per cent of the total inventory value of the buildings and equipment and is obviously excessive.

For current running expenses the sum of \$145,800 is wanted. Last year \$129,282 was spent and I can approve only this latter sum for the current year. That is the basis on which the college is now running. This sum should be spent substantially as last year. It includes maintenance charges of \$44,500, or 5 per cent of the value of the plant, which should be sufficient.

I fully realize the importance of agriculture in this state, and for that reason I think all future extensions of the college ought to represent practical, farming conditions.

I believe that the expenses of the college are growing out of proportion to the direct practical value of such costs to our agricultural interests, and that such increase should cease until the present capital cost and running expenses of the college are being made more directly and immediately valuable to Massachusetts farmers. When that is accomplished it may be right for the commonwealth to incur further debt on behalf of new college buildings and equipment.

For the reasons stated I cannot pass the special appropriations now requested and amounting to \$187,500 for new buildings, extra equipment and extra maintenance items.

[To the honorable senate, April 25, 1911.]

I am particularly concerned with the immediate passage of the resolve for the amendment to the constitution of the United States providing the income tax.

A large income is the sure sign of individual prosperity, while the touch of adversity will destroy or reduce the income beyond the reach of the tax gatherer. The burdens will fall upon those able to bear them and thus the less fortunate will be relieved.

Massachusetts is a wealthy state and it has been freely said, and a former vote of the legislature has indicated, that our commonwealth is willing to hug her riches and refuse to give to the government power to reach it in time of need.

It is also said that our commonwealth has acquired her vast wealth under tariff laws which have given her and other Eastern states special privileges in industrial development. What can create more definitely and more justly the impression that we are unwilling to strengthen the general government out of our abundance than our refusal now to approve this right to tax?

The assent of 35 states is required and 30 have already endorsed the amendment. A few weeks may put our commonwealth into the position of yielding under compulsion. To assent after two thirds of the states have approved will destroy all the prestige which we should attain were we now to join in creating the necessary number. Should Massachusetts now send forth the message to the Union that she joins eagerly in the passage of the amendment, it is plain that all doubt would be removed.

Our commonwealth stands among the most honored of the states. Were she now to say this word, all controversy would end and her action would be accepted as the signal to all the states to make the vote unanimous. The question is, therefore, whether she shall not decide the issue favorably or shall be forced to submit, and allow her grudging assent to stand as evidence that she loves her dollars more than she loves the Union which has blessed her with peace, security and abundant prosperity.

[To the honorable senate and house of representatives, April 26, 1911.]

I transmit herewith a report on the economy of service in the state house, by Mr. H. L. Coe, who is associated with Mr. C. L. Harpham in the current investigation of public expenditures.

The appropriations for the current running expenses of the state house, which are to be spent mainly under the

supervision of the sergeant-at-arms, include \$148,400 for the sergeant-at-arms' department and sums aggregating \$66,480 additional for clerical and messenger service, door-keepers and pages in the legislative department; a total of approximately a quarter of a million dollars a year.

It appears that these public expenses are greatly in excess of the amounts required under good business management. For instance Mr. Coe, who is an experienced engineer, finds that the cost of power per horse-power-per-year in the state house is \$222 and that for average service in business concerns, this cost only reaches from \$35 to \$40 per horse-power-per-year. Under exceptional circumstances such privately supplied power, running 24 hours a day, might reach \$85.

Mr. Coe finds that this inefficiency extends even to the fire room, where the average coal shoveled per man per eight hour shift is $2\frac{1}{2}$ tons as against at least 5 tons shoveled in good practice. Similarly the state is paying \$8,000 a year for elevator attendance as against less than half this amount which would be paid in the average office building for the same service.

Again, it costs over \$60,000 a year to clean the building and keep it in repair, excluding special appropriations for large alterations. The expert finds that this service is extremely high and it is fair to suppose that economies can be effected in it similar to those which must be effected in the power service.

In addition to these excessive expenditures, the sergeant-at-arms is in charge of the legislative service for clerks, messengers, pages, etc., and these costs of over \$66,000 a year approximate \$10 per week for each member of the legislature during an average legislative session.

It is obvious that the sergeant-at-arms is in charge of two separate lines of work which are absolutely unrelated to each other, but aggregating nearly a quarter of a million dollars yearly.

The sergeant-at-arms is also in charge of the state house watchmen, whose yearly pay totals up to \$14,000; yet there is no time-recording apparatus in the state house to register the watchmen's rounds, and no fire protection apparatus of any consequence for the watchmen's use.

I wish to say that I believe the sergeant-at-arms is not responsible for these excessive costs. The trouble is with

the grossly unbusiness-like method under which these different lines of work are entrusted to him.

In my judgment the only way to correct this evil is to place the superintendence and operation of the state house in the hands of a capable business manager or superintendent of building and grounds, leaving the sergeant-at-arms free to devote his entire time to the legislative service. I am confident that such a manager will be able to cut down the running expenses by \$45,000 within the first year of his service.

This new officer should have authority to assign office space within the building in an efficient manner. He should be responsible for keeping the costs of power and janitor service down where they belong. He should report to the governor and council and they should pass upon his decisions whenever necessary. It rests with the legislature (and back of that with the tax-payers of the state) to determine whether the present system, with its wastefulness and extravagance shall continue, — or whether a business-like management of the state house shall be instituted.

[To the honorable senate and house of representatives, April 28, 1911.]

I transmit herewith a report by Mr. Clinton H. Scovell, on the board of railroad commissioners, with particular reference to the work of that board in controlling the capitalization of railroads within the commonwealth, and in parallel reference to the gas and electric light commission.

Mr. Scovell finds that when a railroad petitions for the right to increase its capital, the investigation which the commissioners conduct into the merits of such petition is inadequate; that they do not require sufficient details of accounts from the railroad corporation in regard to such capitalization, and that they do not effectively supervise and control the annual returns of such corporation.

Mr. Scovell finds that: — whenever a railroad petitions for new capital on account of new equipment, the commission should determine whether that money is currently needed for such new equipment. Nevertheless, the data collected by the commission is not sufficient to safeguard the public from improper issuance of stock.

For example, one of our railroad corporations has been permitted to issue over 100,000 shares of stock, at a price

to realize over \$11,000,000, mainly for new equipment, without a proper investigation by the commission to determine the conditions under which this new capital was to be used.

Obviously the commission should compel the railroad companies to furnish detailed statements of all additional equipment as added to the capital asset account. Formerly this was done, and, when the railroad noted above ceased to render such reports, apparently no steps were taken by the commission to remedy this omission. Hence, when a petition for increase of capitalization comes up for attention, the board is not in a position to determine the merits of the case.

Furthermore, the board does not record publicly its conferences in connection with new stock issues, or the reasons for its decisions. It does not give out the reports of experts and inspectors in its employ and no sufficient reason is given for withholding these reports.

The fact that the railroads in Massachusetts operate under interstate commerce regulations cannot relieve the Massachusetts railroad commissioners from the full discharge of their duty to the state.

State aid for the abolition of grade crossings is usually determined by a special commission, subject to the approval of the board of railroad commissioners. Mr. Scovell recommends that this work be done by the railroad commissioners themselves without extra pay, at an annual saving to the state of \$10,000. The present law provides that the railroad commissioners shall act as such special commission, if the parties to the case agree thereto, but leaves the appointment of such special commission to the superior court.

There appears to be at present no method of checking up the actual costs of grade crossing work against the original estimate. The special commissioners are responsible for the estimates but do not provide for controlling the actual costs. Hence, there will be a further gain by placing this work upon the commissioners themselves, with full responsibility for efficient workmanship.

In contrast to the work of the gas and electric light commissioners, with which Mr. Scovell compares the work of the railroad board, the latter appears wholly inadequate. In my judgment the only remedy is to centralize

the work of supervising public service commissions in the hands of a competent board of managers, with broader powers, constituting a public utilities board, who shall be required to devote their entire time to the service of the state and be held rigidly to account for the full discharge of their duty.

Moreover, I regard the present method of charging the costs of a commission against the corporations whom they are expected to control as a vicious method which should be done away with. In any event these costs have to be met ultimately by the public, and I think they should be so charged directly and not indirectly.

The present commission is now requesting an increase in its appropriation from \$71,900 to \$74,400. Of the present sum \$16,000 is spent in the commissioners' salaries; \$11,100 for clerks, stenographers, assistants, and accounting; and \$21,726 for inspectors, agents, and experts. The balance is spent for rent, printing reports and miscellaneous expenses.

I have already urged the abolition of the railroad commission and the transfer of its functions to a utilities board, and I think before the costs of this commission are allowed to increase, careful consideration should be given to the question of discontinuing the commission. For the current year I can sanction only the amount of last year's appropriation, namely \$71,900.

I defer comment upon Mr. Scovell's notes with respect to the gas and electric light commission, pending further study of that commission.

[To the honorable senate and house of representatives, May 1, 1911.]

I note that the popular branch of the legislature has advanced, by a large majority, a bill to establish biennial elections in this state.

As it stands I believe this bill cannot satisfy the requirements of the people. It is not desirable to elect any public servant to a two-year term of office unless some provision is also established whereby he can be recalled if he fails to do his duty.

In my inaugural message, I urged that the state constitution be amended to provide for the initiative, the referendum and the recall. Throughout the country, the

movement for these constitutional changes is widespread and powerful.

Eight states have already adopted this system — two have already provided to vote upon it at the next election, and there is promise that several other states will adopt like measures.

The great sweep of public opinion is now toward giving the people the power to approve or disapprove legislative measures, to propose and enact laws which the legislature refuses, and to retire to private life public servants who are recreant to their trust.

The general movement for direct primaries arises from the demand that no obstacles of party manipulation be presented to the full and free expression of the popular will. The issue of direct election of United States senators reflects also the wish to abolish the delegate system and make our senators responsive to the direct control of the people.

In giving the voters the right to initiate legislation, the principle of popular government arrives at its perfection, and legislatures, which through misunderstanding or design, fail to satisfy the demands of the electorate are made subject to the sovereign will. The recall of officials completes the system by which at last popular government is to be realized.

As governor of the state, I have the constitutional power of vetoing legislation, but it seems more in accordance with the principles of a democracy that the people who elect the governor should possess this power of vetoing.

Our constitution declares that all power is derived from the people and that "those vested with authority, whether legislative, executive or judicial, are their substitutes and agents and are at all times accountable to them." Under such a constitution, it is not fitting that legislators or governors should be the final arbiters of the laws which the people must obey; the people themselves should be the court of final resort. The initiative, referendum and recall will make legislators and executives truly "accountable to them."

I have not the remotest doubt that if the proposition for biennial elections is coupled with measures to secure this accountability to the electorate, the people will welcome it.

I urge upon you to join the recall, the initiative and the referendum together with the plan for biennial elections, for submission to the people.

[To the honorable senate and house of representatives, May 8, 1911.]

I transmit herewith the preliminary report of Mr. C. L. Harpham, on the Lyman school for boys at Westborough, the state industrial school for girls at Lancaster, and the industrial school for boys at Shirley. These schools afford correctional and industrial training for children who are committed to them by the courts.

The average total number of children in these schools during the last year was 717, a slight decrease from the attendance of the year before.

INDUSTRIAL SCHOOL FOR BOYS.

Taking up first the request for special appropriations for the industrial school for boys, amounting to \$124,285. I find that \$87,000 of this is for a central power, light and heating plant and it appears that this is only a part of a projected scheme of development, which, according to plan, would exceed a quarter of a million dollars.

A central plant would require skilled engineers and necessitate considerable loss in transmitting heat to the individual cottages.

At present these cottages are heated by furnaces which are taken care of by the masters of the cottages themselves and by the boys. There is therefore no excessive cost of attendance in the present plan, and the running of the furnaces is a useful part of the boys' industrial education.

Moreover, this question of a central heating plant was most carefully considered in New York state in 1909, in regard to the New York state training school for boys, by a commission, which reported in favor of heating the separate buildings individually. Mr. Harpham's report concurs with that of the New York investigators.

As to the present power and lighting plant, this is operated by one man with the help of the boys. I cannot approve of building a new central plant until it can be proved that it would be justified. This whole proposition appears to me to lack good business judgment.

Furthermore, this school requests \$22,000 for a new cottage to accommodate thirty boys, and I consider the price extravagant for the purpose. It amounts to over \$730 per inmate.

The balance of this special appropriation for the industrial school for boys is mainly on behalf of shop machinery and shop equipment and I approve this to the extent of \$10,000, with the understanding that the trustees must be held to a rigid accounting for the efficient use of this money in purchasing machinery and equipment that is positively needed.

I approve the regular maintenance appropriation of \$48,150.

LYMAN SCHOOL FOR BOYS.

The special appropriations of \$23,500 for the Lyman school comprise \$10,000 for the purchase of a farm with the buildings on it. The school has at present 160 acres of land and I am informed that 120 acres additional land, without buildings, can be purchased at approximately \$2,500. I approve of only \$2,500 out of the requested \$10,000. The average attendance last year was only 358 boys, and I believe the land thus provided will be ample for their use at present.

This same school requests \$12,000 for enlarging the hospital. Nevertheless, the attendance at this school is decreasing and, moreover, there were only two cases of contagious disease recorded last year, for which the existing hospital, which is inventoried at \$12,000, would appear to be sufficient. I cannot pass this item, but urge that the existing hospital be adapted to isolate cases of different contagious disease occurring simultaneously.

Coal bunkers, to cost \$1,500, are approved as they appear to be needed.

I furthermore advise that a small ice house be built at the Lyman school, to cost not over \$500, as the ice bill is large and there is a lake nearby from which ice could be obtained with little expense. Nearly all our institutions are similarly provided and at this school the ice bills for the past two years have exceeded \$1,800.

I approve the regular maintenance appropriation of \$107,800.

STATE INDUSTRIAL SCHOOL FOR GIRLS.

For the state industrial school for girls, special appropriations, amounting to \$24,000, are requested. Out of this \$12,000 is wanted to establish a filter bed for sewerage. I approve this work as a safeguard to health, although it is open to question whether so large a bed is now needed.

This school requests \$12,000 for enlarging the hospital. Mr. Harpham, however, reports that the present hospital, which is inventoried at \$9,000, is used to only 40 per cent of its capacity. I cannot pass this item but advise that plans be immediately drawn for a small separate building for consumptives, in case the legislature deems it wise to permit consumptives to remain at this school.

I approve the regular maintenance appropriation of \$73,500. I also approve the annual appropriation of \$40,100 for the board of trustees of the Lyman and industrial schools.

It appears evident from the figures given in Mr. Harpham's report, that the management of the institutions is extravagant. For instance, the state industrial school for girls now requests \$7,000 for heat, light and power. Yet the inventory of last December shows \$5,583 fuel on hand which, with the amount now requested, equals two years' supply.

The stock of clothing on hand (\$11,000) at the Lyman school is more than a year's supply and \$9,000 is now asked for clothing and materials. Moreover, the per capita costs of maintenance average from \$4.62 to \$8.37 per week. Considering the extensive farming operations carried on, these figures appear most extravagant. It ought not to cost such sums to maintain the minor wards of the state.

I believe that a central purchasing system, covering the fuel, food and other supplies, would result in marked economy and that the entire scale of expenditures at these and other institutions should receive extended study with a view to establishing business-like economies.

[To the honorable senate and house of representatives, May 13, 1911.]

Herewith I return, without my approval, "An Act to provide for the re-instatement as members of the police

department of the city of Boston, of two discharged officers."

I am advised that these men were discharged from the police force by commissioner O'Meara for deliberate and repeated desertion of their posts in the night time.

I have reviewed the findings of the trial board and believe that the police commissioner unquestionably acted as he deemed necessary for the discipline of the force and therefore for the safety of the public.

Moreover, I cannot lend my approval to any legislative act which would in any degree break down the discipline of the police force, for, in my opinion, it is the function of the legislature rather to build up the efficiency and the discipline of such bodies.

In the police commissionership we have constituted authority for the direction and control of the police force of the city of Boston. So long as that office remains, its authority and its responsibility for the discharge of its duties should be acknowledged and respected.

[To the honorable senate and house of representatives, May 13, 1911.]

Herewith I return, without my approval, "A Resolve to provide for printing additional copies of the report of the Massachusetts commission on the cost of living."

The act under which this commission was created did not contemplate the creation of a permanent commission with power to continue its investigations, or to revise its findings.

It was created for a specific purpose and the sum of \$15,000 was appropriated for the commission to use in its investigations. The facts were presumably full and complete, and no material change in conditions has taken place to warrant such revision.

The resolve which I return without my approval places the revision of the work of the former commission in the hands of the chairman and secretary of the commission, and leaves to them and not to the commission which originally made the investigation and report, to determine what of the findings should be revised, and gives them the power "to revise the report on matters of fact as they may deem desirable."

Such a revision would manifestly not be the work of the commission but would practically constitute a new report by a minority of the commission and as such could not

properly be regarded as a report of the Massachusetts commission on the cost of living.

Chapter 134, acts of 1910, in section four, provides that "the members of the said commission shall be chosen with a view of their special knowledge of law, trade, labor and political economy and shall consist of five persons to be appointed by the governor with the consent of the council."

It is manifest that the proposed legislation would in no sense carry out the intention of the original act.

[To the honorable senate and house of representatives, May 13, 1911.]

Herewith I return, without my approval, "An Act relative to the distribution and sale of milk."

This act empowers the board of health of any town or city to control the local distribution and sale of milk. To that extent I believe the act is just. But, in addition to this, the act provides that such board of health may "forbid the sale of any milk or cream *produced*, transported or kept under conditions not approved by the said board of health."

I believe that this act, as it stands, will occasion a gross injustice to the farming communities, for the reason that, in effect, it gives to any town or city not only the local right to control the distribution and sale of milk, but a further right covering the entire state, to fix the conditions under which milk may be produced for shipment to such town or city.

I cannot approve of giving to towns and cities the right to impose regulations upon the farmers of the state. At present such regulation is given by the state board of health and, in my opinion, it would be unjust to subject the farmer to additional and conflicting regulations fixed by the several towns and cities to which he may ship milk.

[To the honorable senate and house of representatives, May 13, 1911.]

Herewith I return, without my approval, "An Act relative to the incorporation of medical milk commissions."

This act gives to any five or more duly authorized physicians, together with the members of any local board of health (acting *ex officio*) the right to form a corporation to be known as a "Medical Milk Commission." Such commission is empowered to enter into agreements with dairy-men for the production of milk.

It is a well known fact that certified milk is commonly sold as a superior article and at a price greatly in excess of common milk. The natural inference from such practice is that uncertified milk is inferior.

In my judgment the legislature should co-operate with the Massachusetts farming interests to build up the milk business as a whole, to a point where all milk which is permitted to be sold within the commonwealth can be recognized as "certified" so that rich and poor alike shall have the first quality.

Pure milk in ample quantities, at a price equally fair to the producer and the consumer, and permitting only the lowest practicable profit in transportation and distribution, is a public necessity, and legislation must be provided to that end.

But to enact a law under which private schemes of certification and fancy prices will carry the sanction of the state will benefit neither the farmer nor the community.

[To the honorable senate and house of representatives, May 17, 1911.]

The opinion of the justices of the supreme judicial court on the constitutionality of proposed plans for the uniform taxation of personal property, makes it clear that under the constitution of the commonwealth the general court has no power to change in any of its important features the existing system of taxation. We must henceforth regard it as settled that the constitution requires the taxation of all property at varying local rates of taxation, subject only to the narrowly limited power of the general court to grant exemptions that do not interfere materially with the proportionality of taxation. This opinion, in my judgment, makes it the duty of the present legislature to consider an amendment to the constitution of the commonwealth, under which it will be possible hereafter to enact a system of reasonable and enforceable tax laws.

Under the system of taxation now prescribed by the constitution there has been constant dissatisfaction for the last forty years. Various commissions appointed to investigate the subject have reported that existing laws tend to concentrate personal property in a small number of wealthy towns, produce great inequality and injustice in the distribution of taxation, and promote wholesale evasion and disrespect for law. During the last three years

the attempt has been made by state supervision to enforce the full taxation of personal estates disclosed in the probate courts, with the result that the concentration of personal property in favored towns has been greatly increased, while large estates have been removed from the commonwealth and the removal of others is now impending. Without a radical change in the system of taxation it is certain that within a few years we shall drive all intangible property out of towns and cities where tax rates are high, with the result that it will either be removed from the state or taken to a few towns where the tax rates are low.

I have recently received a special report from the tax commissioner which shows that in almost every city and town and in respect of almost every class of property, our existing laws fail of enforcement. The commissioner estimates that 90 per cent of the taxable intangible property escapes taxation. He shows that tangible personal property is commonly undervalued, and is most unequally assessed; and reports that even real estate is not assessed equally and uniformly, and that numerous towns and cities systematically undervalue property in order to reduce their shares of the state and county taxes. Through no fault of the tax commissioner, who has only supervisory powers, our system of taxation appears to have broken down; and we are now imposing the heaviest burdens upon the poor, the helpless, or the ignorant, while those best able to contribute are allowed to evade taxation in whole or in part. We are confronted, therefore, with the unpleasant fact that our existing laws have practically broken down; and that, under our present constitution, the general court has no power to change materially our present system of taxation.

Concerning the reasons for the failure of our present laws there can hardly be difference of opinion. When our present system of taxation was established, in the seventeenth century, public expenditures were far smaller than they are to-day, most property was tangible and visible, and most business was carried on in the locality where the proprietors lived, so that the taxation of all property at varying local rates did not produce the evils that attend such a system to-day. During the nineteenth century the great increase of public expenditures, which tended to increase the pressure of taxation, the growth of new kinds of property which are neither visible nor tangible, and there-

fore easily evade assessment, and the changes in business methods which bring it about that our industries are no longer localized, created conditions under which a system of taxation suitable to seventeenth century life was certain to break down. We shall fail, I believe, to deal adequately with the conditions that now confront us unless we realize that it is necessary to do what most other countries have long since done, namely, diversify our methods of taxation so that we can adjust them to the conditions of modern life.

When we turn to possible remedies we find that three classes of proposals have been made. In the first class are various projects for the exemption of intangible property from taxation, the exemption of all personal property, or the exemption of all personal property and also of improvements upon land. This class of proposals I am compelled to reject because I do not believe that the remedy for bad methods of taxation is exemption from taxation, but rather the adoption of proper methods suited to the conditions of the case. Even if I thought otherwise, I should not recommend such measures for your consideration because I do not believe that the people of the commonwealth are ready to sanction such remedies. The problem before us is not how to exempt some kinds of wealth from contributing to public charges, but rather how we may readjust our tax laws so as to make the wealth of the state contribute justly and without evasion to the support of government. I believe, too, that a decent and enforceable system of direct taxation has the further advantage of making the citizen take a greater interest in the affairs of the government to the support of which he contributes, while exemption from taxation leads him to view with complacency the growth of expenditures for which he does not have to contribute.

The second class of plans includes various proposals to classify property for taxation under the property tax. The taxation of intangible property at a uniform rate of three mills on the dollar was proposed by the taxation commission of 1908, and this plan has been adopted this year by two other states. Another measure is that which was recently referred to the supreme judicial court for an opinion concerning its constitutionality. This provides for a uniform tax upon personal property at the average rate of taxation in the commonwealth, a rate which, in the first

year at least, would be approximately \$17 per \$1,000. Neither of these plans seems to me to meet the needs of the situation, even though both of them have the merit of providing a uniform rate of taxation upon the classes of property with which they deal. The plan for a uniform tax at a rate of \$17 per \$1,000 seems to me impracticable because I believe that its strict enforcement would bring disaster to the commonwealth as well as disappointment to its advocates. Such a high tax upon personal property never has been, and in my opinion never can be, collected with even tolerable certainty and equality. Upon persons unable to change their domiciles the provisions of the law might be strictly enforced, but upon others, including the owners of the largest estates, enforcement would be impracticable on account of the removal of domicile to other states. This is a matter in which we need not depend upon conjecture but need only refer to the experience of the state of Ohio under the attempt to enforce the taxation of personal property by the tax-inquisitor system in every county of this state. My opinion is supported by the commission appointed in 1909 to investigate the laws relating to taxation, which reported that such a high uniform rate would not "aid in the least to keep capital from emigrating from the state or to induce capital to immigrate into the state. It would tend, rather, to exert an opposite effect, and to drive out, and keep out, capital. Finally, it would offer no encouragement to security holders to declare their property. For these reasons, any plan for the uniform taxation of intangible personalty at a high rate must be dismissed as inexpedient." Our present laws offer little enough encouragement for capital to come to Massachusetts, and I believe that such a law as has been described would drive so much capital from Massachusetts as actually to raise the rates of taxation and injure greatly the industries of the commonwealth. It would also create a strong demand for certain classes of non-taxable investments, and produce a situation which might raise unpleasant suspicions concerning the purpose of the law. The recent opinion of the justices of the supreme judicial court makes it evident that, in any case, the adoption of this plan would be impossible without an amendment to the constitution.

The third class of plans includes various proposals for the introduction of an income tax as a part of the taxation

system of the commonwealth. No one, so far as I know, desires to abandon altogether the taxation of property, and adopt a pure system of income taxation; and I believe that such a plan, even if it found advocacy, would be utterly impracticable. In considering proposals for an income tax it is necessary to consider carefully impending changes in federal taxation. Before long the federal government, with or without the assent of Massachusetts, will receive the power to levy an effective tax upon incomes and will proceed to impose such a tax. We shall then have two direct taxes in operation in the commonwealth, one levied for federal purposes and the other for state or local. This will not lead to double taxation in the true sense of the word since the two taxes will be collected for the support of different governments each of which has the right to levy taxes for its own support; but it will make it highly desirable to adjust our system of taxation within the commonwealth to the conditions created by the imposition of a federal tax on incomes.

The proposal to add to our present system of taxes upon property a state income tax upon all incomes whatsoever, would have the effect of introducing a third direct tax and would impose double taxation, for state and local purposes, upon property and upon income derived therefrom. It might also be considered a reason why this state should not ratify the proposed federal income tax amendment.

No such objection, however, applies to a state income tax introduced as a substitute for a part or the whole of the present tax upon personal property. Such a tax would impose no additional burden upon the taxpayer, it would not be open to the objection that the state imposes double taxation upon property and the income derived therefrom, nor could it be considered an obstacle to the introduction of a federal tax upon incomes. Indeed, if the national government is to levy a direct tax upon incomes, there are obvious advantages, both to the government and to the taxpayers, in having direct state taxation imposed upon income, rather than property; and I find that this view of the matter is held in other states that have preceded our own in ratifying the federal income tax amendment.

If we are to revise our system of taxation we must start with full recognition of the fact that the methods best adapted for taxing real estate are unsuitable for things so

easily concealed or moved as most forms of personal property. Our experience for more than two hundred years demonstrates conclusively that it is impossible to tax personal property effectively at varying local rates; and that in the future, whether we tax the property itself or tax the income therefrom, we should tax it at a uniform rate throughout the commonwealth. So far as intangible property is concerned, uniformity in rates and methods of taxation will probably be recognized by all as indispensable; but, in my opinion, it is hardly less necessary in the taxation of merchandise and machinery. Towns and cities with tax rates higher than the average of the commonwealth necessarily suffer in competition for new industries with towns and cities that enjoy lower rates of taxation. Varying local tax rates place our assessors in a position where it is impossible strictly to enforce the law without injuring the towns or cities they serve, and I believe that until the rate of taxation on merchandise and machinery is made uniform there can be no such thing as a strict enforcement of our laws relating to taxation.

It is clear also that if the tax on personal property must hereafter be uniform, the tax on real estate cannot be uniform, but must be levied at varying local rates to meet the varying needs of the cities and towns. I propose, therefore, that we make constitutional provision for a system of taxation under which personal property shall be taxed by a uniform method throughout the commonwealth, and real estate shall remain subject to local taxation at varying local rates.

Investigation of the taxation systems of other states and countries convinces me that, for the taxation of real estate, no method is better than our present plan of taxation according to the capital value. To tax real estate upon its income, even in part, tends to reduce the taxes levied upon land withheld from productive use, to place a premium upon speculation, and to cause popular discontent. While it appears that real estate is not now equally and uniformly assessed in accordance with the law, there appears to be, in the nature of the case, no reason why such an assessment cannot be secured if in other respects our laws relating to taxation are made reasonable, practicable, and capable of strict enforcement. It will be advantageous, therefore, to make no change in the present law of the constitutional

provision relating to the taxation of real estate and to allow it to remain subject to taxation by the various cities and towns.

For personal property, on the other hand, our experience shows that taxation according to the capital values is unjust and impracticable, while the experience of other countries demonstrates that taxation of the income is both just and practicable. Such things indeed as household goods, personal effects, and articles of luxury, the taxation of which is of the nature of a tax on consumption rather than a tax on investments, may well enough be left subject to local taxation with real estate; but income-yielding personal property should hereafter be taxed upon its income rather than its capital value. With such a tax also should go a uniform tax upon personal incomes derived from occupations, professions, and trades in excess of a certain reasonable exemption.

Such a method of taxing personal property according to its income, I believe would be better than any plan of classifying property for taxation under a property tax. In principle the income tax finds universal, or almost universal, support, as the fairest of all forms of taxation. This tax adjusts its burden equally according to the income of the taxpayer, and automatically classifies property for taxation according to the income it yields. It does not impose upon unproductive funds the same tax that it levies on a 6 per cent investment, or upon bonds yielding 4 per cent the same tax as upon stocks yielding 5 per cent or 6 per cent. It can readily be levied at a uniform rate throughout the state, and thus avoid the evils of migration and colonization. If so levied uniformly, at a reasonable rate, such a tax would collect from personal property and from trades, occupations and professions, more revenue than a property tax levied at such an impracticable rate as \$17 per \$1,000. It would solve also the difficult problem of taxing merchandise and machinery, since the income from such property would be fully taxed,* and the property itself would then be exempted from further taxation.

I am aware that a few of the American states have in the past attempted to levy taxes upon incomes, and that such attempts have been unsuccessful; but the slightest investigation shows that the failure was due not to difficulties inherent in an income tax, but to the fact that the tax

was part of an impracticable system of taxation which was incapable of enforcement, and that the assessment of incomes was left wholly to local boards of assessors acting without state supervision and control. The experience of other countries in which income taxes are in successful operation shows that it is necessary to bring the assessment of incomes under the state supervision and control, and that with such supervision and control the income tax is conspicuously successful. I therefore believe that the tax upon the income from personal property and from trades, occupations, and professions should not only be levied at a uniform rate throughout the state, but that its administration should be strictly controlled by the tax commissioner's office. Other countries find it possible to combine administration by local boards of assessors with strict supervision by the central government, in such a manner as to utilize fully the knowledge of local affairs possessed by local boards, and, at the same time, insure full compliance with the law; and I believe that there will be no difficulty in devising such methods in this state.

The rate at which this tax shall be levied is properly a subject for determination by the general court, and should not be prescribed by the constitution. I believe that if an appropriate constitutional amendment is adopted, the general court will have no difficulty in determining a fair and reasonable rate which will make possible the strict enforcement of the law, and yet have no tendency to drive capital from the state, or prevent it from coming here.

We should seek to make our tax laws so reasonable that their justice will be apparent to every citizen, and that the officers who enforce them shall have the hearty support and assistance of every right-minded man in the commonwealth. Such a system will put an end to evasion and violation of law, will retain in the state the capital necessary for the progress and prosperity of our industries, and will even invite capital from other states that persist in attempting to enforce taxation under the general property tax. It should within a few years greatly increase the revenue derived from personal property and personal incomes, while opening the way for the extension and expansion of the industries upon which our people depend for subsistence. No measure more important for the welfare

and prosperity of Massachusetts could engage the attention of the general court.

In cases where the incomes of business establishments are derived partly from personal property, and partly from real estate invested in the business, it is possible to separate the real estate tax from the tax upon the income by a method employed in other countries. Under this method it is required that the entire income of the business shall be returned for taxation under the income tax, and that then a deduction shall be made of an amount equal to a fair rate of interest upon the real estate invested in the enterprise and subject to local taxation. Experience has shown that there are no difficulties, either practical or theoretical, in the application of this method.

The relation of the plan I propose to our existing taxes upon corporations should be briefly considered. There is no reason why at the outset the greater part of our corporation taxes, including all the taxes upon public service corporations, should not remain as they are, for it will be possible to provide, as is done in our present tax laws, for exemption of the income derived from the shares of corporations that pay to the state a tax upon their corporate franchises.

If the general court should see fit, it would be possible, even at the outset, to provide that ordinary business corporations should be taxable under the new method by which they would pay the uniform tax upon their income with deductions for real estate subject to local taxation, and would remain taxable, as at present, upon their real estate. Some other adjustments in our corporation taxes might also prove desirable under the new system, but they are such as the general court can readily make, if it sees fit; while upon the other hand, there would be no necessity of making them if the general court considered such action inadvisable.

The plan I recommend to the favorable consideration of the general court has been under consideration for some time by experts fully conversant with the subject of taxation, and in formulating it I have had the advice of tax commissioners of other states. At the outset it was submitted to our tax commissioner for his careful consideration, and has received his hearty endorsement. Concerning it he declares: —

Income, in my judgment, forms a more equitable basis by which to gauge the faculty of the citizen to pay than property, because it recognizes the difference between the legal and economic status of property; *i.e.*, between its capital value and its value put to use. With the growth and accumulation of property, many differentiations need to be made with respect to property as a test of faculty, which are better solved by assuming income as the test. The adoption of such a system would leave no reason for one citizen to think that he was paying more than his neighbor towards the support of public burdens. It would leave no excuse for the making of false returns, or no returns at all to the taxing authority, and would not drive property into hiding. It would stop the migration of citizens from one place to another to obtain a lower rate of taxation, and free many places from the stigma of being tax dodgers' paradises.

The tax commissioner also agrees with me that it is of the utmost importance that provision should be made for "effective control and supervision" by the state.

I believe that the plan will provide a method of taxation conservative and wise, that it will retain all that is good in our present methods of taxing real estate and corporations, and that it will introduce a system of taxing personal property uniformly and fairly by a method that will appeal to the people of the commonwealth as absolutely just.

I accordingly submit herewith an appropriate amendment so drawn as to make it possible for the general court at some future date to adopt this plan of taxation if it sees fit. This amendment leaves unchanged the present constitutional provisions relating to the taxation of property, it provides that the general court shall have the power to levy a uniform tax upon incomes, upon the condition that property, the income of which is so taxed, shall be exempted from other taxation. It retains the requirements that the tax shall be reasonable, and provides that the tax shall be proportional upon incomes of the same class, a provision which is similar to the requirements of the constitutions of several other states.

Under this amendment the general court will have power to impose a lower rate of taxation upon incomes from professions and occupations than from incomes derived from property, if it sees fit to do so; and will also be authorized to grant reasonable exemptions and abatements, with the minimum of restrictive provisions. It places within the

constitutional power of the general court a practicable method of taxing those forms of property with respect to which our present system has proved ineffective and inadequate.

Two other matters should also receive consideration by the general court at the present session. Our methods of taxing forests are almost as defective as the methods of taxing personal property. This question was carefully considered in 1905 by a special commission which investigated the methods employed in other states and countries. Its report states that our present method is objectionable in that "it provides for taxing the value of the growing crop, as well as the land upon which it grows." The commission points out that in the case of ordinary agricultural crops, the value of the crop is not taxed, but that in the case of a crop of timber, the growing crop is taxed "not once or twice, but year after year at an increasing valuation, until it is cut." The consequence is "that the owner is led to cut his crop before it has reached its productive maturity, that is, its greatest value to himself and to the state." The commission further shows that such taxes on the growing crop are levied at a time when it is yielding no income, and that since the crop "may be from a quarter to a half century in maturing, it is a hardship on the man to make payment during the intervening years."

Under our present laws, exemptions are granted for a limited period of years, but the report shows that these laws are ineffective and do not reach the real needs of the case.

I have also received from the state forester a valuable report upon this subject, which duly confirms the conclusions of the commission of 1905. The forester reports that under the present law, whenever the local assessors value forest lands at their real value the "owners at once realize the burden" and are driven to cut the timber. The forester points out that agricultural crops are not taxed, and that the forest is nothing but a growing agricultural crop which cannot reach full maturity if the annual increments of growth are fully taxed for a long period of years. I also find that the forest service of the United States has made a full investigation of this problem, and has reached conclusions similar to those of our state forester and of the commission of 1905.

I therefore recommend to the favorable consideration of the general court a constitutional amendment which will make possible a scientific system of forest taxation, and submit herewith such an amendment. In the form here suggested, the amendment merely gives the general court the authority to adopt such methods of taxation of wild and forest lands as may conduce to the development and conservation of the forest resources of the commonwealth.

The importance of this subject is not always understood. Of the total area of the commonwealth, the state forester estimates that nearly three fifths is better adapted to forestry than to any other purpose. Massachusetts is, in fact, a natural forest country, and under proper methods of utilization the forester estimates that the yearly income of this industry could be increased to something like \$25,000,000. Not only would such an industry increase the material resources of the commonwealth, but it would give to every farming district a most valuable winter industry, and enable our farmers to utilize their hired help and teams in a profitable occupation at a time when other work is not easy to find. I believe indeed that a better system of taxing forests would contribute as much as any other single factor toward the improvement of the conditions of rural life, and I strongly urge the general court to take some action in this direction at its present session.

I wish also to recommend at this time that provision be made for an investigation by the tax commissioner of the methods of taxation employed by other states and countries, with a view to formulating the best methods for securing the enforcement of whatever laws the general court may enact relating to taxation.

Under the present statutes the tax commissioner is free at his discretion to make such investigation of the taxation laws of the commonwealth as he has time to do; and from time to time he has proposed legislation designed to secure better enforcement of the law. But the tax commissioner is not provided with the necessary means for making such investigation, nor at present has he much time to do so. Other states have in recent years authorized their tax officials to investigate thoroughly and broadly all questions of taxation, and to recommend such measures as will secure the enforcement of existing laws, as well

as such amendments as will promote just and equal taxation.

I believe the time has come for the general court to make it the duty of the tax commissioner to investigate the entire subject of taxation, and to provide him with the necessary means for conducting such investigation. I accordingly recommend the enactment of such a law, and recommend that in the fiscal year 1911, the tax commissioner shall be authorized for this purpose to incur such expense as may be approved by the governor and council, to an amount not exceeding \$10,000.

Amendment of the state constitution is undoubtedly a thing not to be lightly undertaken, but it is far from being so serious a matter as is sometimes supposed. Those who distrust popular government may dislike to see the power of the people or the people's representatives enlarged. Persons enjoying special privileges under the existing constitution will not unnaturally oppose an amendment. But for all who believe in popular government it is self-evident that an amendment to the constitution is one of the safest matters the general court can undertake. The issue cannot be finally settled by recommendation of the governor, or resolution of the general court, but must be determined by the people of the state, through a referendum vote had after two years of consideration and public discussion. Since the present constitution fastens upon the state a system of taxation incapable of enforcement without great injury to the interests of the commonwealth, I believe the people will favor a reasonable amendment; and I therefore strongly urge favorable action at the present session upon the proposed constitutional amendments.

[To the honorable senate and house of representatives, May 19, 1911.]

Herewith I return, without my approval, "An Act relative to pensioning members of the fire department of the city of Boston."

There is at present in existence an admirable law covering pensions, namely, chapter 347 of the acts of 1892. Pensions thus provided are just and liberal.

Moreover, I am heartily in favor of extending our existing systems of pensions in the most liberal spirit that is consistent with public policy; but, in my judgment, the present bill is absolutely contrary, not only to good policy

in general, but to the principle of local government in particular.

In the first place this bill provides for pensioning a member of the fire department after fifteen years of employment, irrespective of his having rendered satisfactory or continuous service.

Furthermore, the bill would virtually compel the fire commissioner to grant a pension, upon the certificate of the physician of the board of health for disability, even though that disability were only temporary. Next, the bill would enable a member of the fire department to receive a pension, irrespective of age limit, after twenty-five years of service, even though he were fully capable of continuing to render efficient service.

The present law provides that in order to obtain a pension for disability, such disability shall be permanent and incurred in the discharge of public duty.

The proposed law withdraws these safeguards and permits a pension to be granted even though disability was not so incurred.

Furthermore, this bill does not provide for any ratification by either the voters of Boston or the city council and is therefore directly contrary to the principle of home government.

I regard it as particularly unfortunate that legislation with respect to pensions should be placed upon so unsatisfactory and impracticable a basis as in this present bill.

[To the honorable senate and house of representatives, May 19, 1911.]

I transmit herewith a report, by Mr. Clinton H. Scovell, on the Massachusetts highway commission.

I find that the commission expended during the fiscal year ending November 30, 1910, a total slightly in excess of \$1,234,000 and that approximately half of this sum was taken from the loan fund and approximately one third from the motor vehicle fees fund. The annual legislative appropriations cover expenditures not provided for by the funds.

The pending appropriation is for \$261,250.

The greater part of the aggregate expense is incurred for the construction and maintenance of the highways under contract, and the engineering expenses of the department are slightly under 10 per cent of the cost of all work done under their supervision.

Charges of this amount are moderate, but it must be noted that in addition to these charges, there are salaries and expenses which constitute an additional 10 per cent over and above the cost of constructing and maintaining highways.

To offset this it should be noted that the commission has, in addition to its regular engineering work, the supervision of telephone and telegraph lines, and the supervision of automobiles. It will be seen, therefore, that the commission has three distinct lines of duty which bear very little relation to one another.

Considering the work of the highway commission as it exists to-day, I am glad to note that its administration appears to be excellent. Nevertheless, having in view the widely diverging lines of work carried on by these commissioners, I again call attention to the desirability of establishing in this state a utilities board.

I have already advocated the establishment of a utilities board which should comprise the functions of the present railroad commission, the gas and electric light commission, the Boston transit commission, and the highway commission. I believe that the large expenditures now incurred by these several boards as a whole, can be rendered far more efficient by a combined general management, controlling the several divisions of work properly assigned.

The very fact that there now exists a difference in efficiency between these different commissions, indicates the necessity of raising them all to at least the standard of the one that is now best.

I recommend Mr. Scovell's report to your careful attention with the further comment that I believe the present annual expense of \$4,750, which is paid for office rent by the highway commission, can be eliminated when the commission now at work upon the office space within the state house shall have concluded its work.

I believe also that a far larger proportion of the expenses of this commission should be met by increased license fees on high-powered motor vehicles, since these expenses are kept at a high figure largely because of the excessive wear due to these vehicles.

I approve the pending appropriation for the highway commission, amounting to \$261,250, with the urgent recommendation that the commission be consolidated with others, as stated, into a utilities board.

[To the honorable senate and house of representatives, May 23, 1911.]

Herewith I return, "An Act relative to appropriations for the support of the public schools of the city of Boston," which I cannot approve for the reason that section 2 of the act makes mandatory the increase of salary of a certain class of teachers.

The question at issue is not whether the salaries of teachers shall be increased. Everyone agrees that such increase, to correspond with the increased cost of living, should be made at once. The question is merely whether the legislature should incorporate in the bill authorizing increased salaries a provision making it compulsory upon the school committee of Boston to spend a certain fixed proportion of its appropriations for increasing salaries of a particular class of teachers. This provision is an unwarranted interference by the legislature with a question which the citizens of Boston, through the Boston school committee, are competent to decide for themselves, and should decide for themselves.

The citizens of Boston elect a school committee which has power to determine the scale of salaries. If that committee does not perform satisfactorily its duties, the remedy lies with the citizens of Boston and not in an appeal to the legislature. If the legislature can rightfully control the administration of the Boston schools in this particular, it is difficult to see what other matters cannot and should not be taken from the control of the people of Boston and vested in the commonwealth.

For the legislature to control in this matter the school committee elected by the citizens of Boston, would be particularly unwise because such action would lower the morale of the teaching staff and seriously impair the discipline of the schools. It would be followed by appeals from other classes of teachers to the legislature, with a consequent decline in the value and effectiveness of the Boston school committee.

The matter is one which does not concern the citizens of Boston alone, for the precedent it sets affects the principle of home rule in every city and town in the commonwealth.

It would be a matter of regret if a single unwise clause designed to benefit a particular class of deserving teachers, should prevent proper provision being made this year for the increase of the salaries of all classes of teachers who, in

the judgment of the school committee, deserve such an increase. I therefore recommend that a law be enacted which will place at the disposal of the school committee a sum sufficient for this purpose. It would be desirable to include in such an act provision for the objects included in section 1 of the act I return without my approval, and I recommend that such action be taken.

[To the honorable senate and house of representatives, May 23, 1911.]

I herewith return, without my approval, a bill entitled "An Act relative to the extension of Boylston street across the Back Bay Fens in the city of Boston."

It is a matter of public record that before entering upon my present term of office I appeared at a hearing before a legislative committee in favor of such action as is authorized by this bill.

It must be evident, however, that an interest acquired several years ago in property affected by this bill disqualifies me from having any part in this legislation, and leaves me no alternative but to veto the measure.

[To the honorable senate and house of representatives, May 25, 1911.]

I am informed that there is objection to admitting as new legislation the recommendation made in the recent message transmitting my veto of the act entitled "An Act relative to appropriations for the support of the public schools of the city of Boston."

In order that technical difficulties may not prevent immediate action upon the matter of the teachers' salaries this year, I hereby recommend that a law be enacted which will place at the disposal of the Boston school committee a sum sufficient for this purpose. It would be desirable to include in such an act provision for the objects included in section 1 of the act above referred to, and I recommend that such action be taken.

[To the honorable senate and house of representatives, May 25, 1911.]

Herewith I transmit a report by Mr. C. L. Harpham and Mr. H. L. Coe on the four state sanatoria for consumptives, at Rutland, North Reading, Lakeville, and Westfield.

These institutions show how necessary it is for our

public expenditures to be placed under better business control. For example, these institutions represent a total property value of over \$900,000 and accommodate approximately 800 patients. The property value per patient varies from the minimum of \$770 at North Reading to a maximum of \$1,600 at Rutland; and the number of employees per inmate varies from the ratio of 100 employees to every 179 inmates at Rutland to 100 employees to 255 inmates at North Reading. Both lists of employees appear to be extraordinarily large considering that most of the patients are not helpless but are able to wait upon themselves to a large degree. Moreover, there should be no such wide discrepancies between institutions but all should be brought to a reasonable business level. Thus the cost per capita per year at Rutland for food and supplies is \$168, including at a fair valuation the food products raised on the place, and at Lakeville the cost per capita per year is \$117. If one or the other of these figures represents efficiency the other does not. A more business-like management is needed to compel all these institutions to conform to economical methods.

Again, the average cost per patient per year at Rutland for heat, light and power, is \$43 as against \$29 at North Reading.

The custom prevails at Rutland of discharging an individual as a patient when sufficiently improved and putting him on the pay roll of the institution as an employee. The claim is made that the institution is thus equipped with experienced employees without extra expense but it is impossible to believe that the 345 patients at Rutland require 189 employees to look after them. In fact the entire medical force, the attendants in the wards, together with the men at work on repairs and around the farm, stable and grounds, only make up a total of 57, whereas there are over twice this number employed under the heading of "general administration."

If it is the function of the state to support the ex-patients they should not be maintained under the pretence of working for wages. It would be more in accord with business methods to establish a class of free patients and not debase the efficiency of the management in any institution. This matter should receive the most careful attention.

The cost of food at these institutions is open to parallel criticisms. For example, Mr. Harpham finds that, at Rutland, if certain reasonable business principles are followed in the two items of meat and butter for a year, \$7,000 a year will be saved to the state and he comments favorably on the fact that the steward at this institution has started out to accomplish this reform. We cannot estimate the saving which would be effected if parallel economies were to be studied out in all the departments of all these institutions, but it would doubtless be very large.

I pass the regular maintenance appropriations for these four institutions as follows:

Westfield state sanatorium,	. . . . .	\$69,201 31
Rutland state sanatorium, .	. . . . .	126,695 20
North Reading state sanatorium,	. . . . .	61,761 83
Lakeville state sanatorium,	. . . . .	69,155 78

I take this step in view of the humanitarian character of these institutions but it is of the utmost importance that they should be brought to a uniform level of business-like efficiency.

WESTFIELD SANATORIUM.

I cannot grant \$1,800 for a recreation building. This institution has been open for only fifteen months, and as it already represents a large capital outlay per patient I do not think it should be enlarged until the need of such a building can be more fully demonstrated.

Four thousand dollars is requested to buy a farm which Mr. Harpham considers is not worth the money. I cannot pass this sum until convinced that a fair price has been arrived at. Also \$1,500 is wanted for cows. I agree to this if the Massachusetts Agricultural College be required to select the live stock and fix a fair price for it.

One thousand dollars for extension of kitchen, etc., is allowed; but \$1,000 for grading the grounds is not approved.

RUTLAND SANATORIUM.

At Rutland \$4,800 is requested for a new electric generator. Nevertheless, Mr. Coe has gone over the power records of this institution and finds that the present dynamos, which aggregate 118 kilowatts, are not required to

deliver over 67 kilowatts, except for a few days in the winter, and he finds that if the present dynamos cannot easily take care of these loads, then the machines themselves are not right and it would seem to rest with the Westinghouse Company who made them, to replace them.

Of the \$1,975 requested for drainage pipes I approve \$1,000, also \$400 for fire protection. Fourteen hundred dollars for resurfacing the roadway is not approved.

Eighty-nine hundred dollars is wanted for a barn. Mr. Coe advises that half that sum should be adequate and I concur with him.

I cannot pass the \$1,535 appropriation for carpenter shop and machinery. Lumber needed for repairs is a small item and should be bought prepared for use.

Twenty-two hundred dollars is allowed for extending the piazza and making over and furnishing the ell, as this will provide for more bed patients and not increase the per capita cost.

I cannot approve of \$1,500 for an elevator, but approve \$450 for an ambulance and \$150 for covering the bridge between buildings.

LAKEVILLE SANATORIUM.

For the Lakeville sanatorium I cannot approve of \$1,800 for a recreation building; and can approve of only \$500 out of the \$1,000 requested for a hennery.

One thousand dollars for wells and sewerage disposal is allowed, but \$800 for a fence seems superfluous and I cannot approve it.

NORTH READING SANATORIUM.

At North Reading there seems to be urgent need of new filter beds for sewage for which \$3,800 is requested. Mr. Harpham condemns the system now started and I cannot approve of extending it until the institution can furnish clear and definite plans of what it wants to do, with convincing proof that they are sound and economical on an engineering basis.

TRUSTEES.

I also pass the appropriation of \$5,100 for the trustees of these hospitals, but shall recommend that in future the management exercise a more careful supervision of pro-

jected engineering and other expenses. The folly of allowing large appropriations for new machinery, for example, without careful consideration of the facts is obvious from the instances cited above and in previous reports.

[To the honorable senate and house of representatives, May 29, 1911.]

Herewith I return without my approval "An Act to allow peaceful persuasion."

I consider that if this bill has any special significance it is in reference to labor disputes and that whatever significance it possesses is manifestly directed to the existing practice of using the persuasive efforts of one set of men to induce other workmen to agree with them.

Every citizen is at present in full enjoyment of his fundamental right to debate peacefully whatever subject he pleases, with any one who will listen to him as man to man, and under conditions to which both agree. We need no new statute to guarantee that right.

But it often happens that in matters relating to industrial problems persuasion passes into threats and menacing demands and thus ceases to be peaceful and becomes, in fact, a species of intimidation and compulsion.

It is my earnest belief that such compulsion is wrong in principle, that it injures the cause which it seeks to help, that it fosters enmity and conduces not merely to words but to acts of violence; and we must have no statute which can be used to legalize, in the guise of peaceful persuasion, such means of intimidation and moral compulsion as I have referred to.

Our courts now possess the right to determine in any case which comes before them, whether the persuasive efforts of one man or set of men are within the bounds of right and justice. We cannot diminish that power or qualify it by any legislative act without at the same time stripping from the very workmen whom we would protect the safeguards of law and order upon which their own and their families' lives and liberty depend.

[To the honorable senate and house of representatives, May 29, 1911.]

Herewith I return without my approval "An Act relative to the salaries of watchmen in the state prison and Massachusetts reformatory."

This bill amends the existing law by providing that

every turnkey and watchman who has been in service for five or more years, shall receive an annual salary of \$1,300.

I feel that it would be particularly unwise at this time, while these institutions are under investigation, to fix arbitrarily the salaries which certain specified classes of employees shall receive. For, whatever claim these men may have to higher pay must rest upon the question of their individual efficiency and personal service to the state, and these matters are now being looked into.

There is, however, a far weightier reason why I cannot approve this act. I believe that the functions and the duties of the Massachusetts legislature are broad; and that upon your honorable body the present and the future welfare of this state depends. I believe that the people of this state have a right to expect from you such legislation as shall preserve and increase the general welfare. If, with these large and pressing duties before you, you persist in exercising the functions which properly relate to the business management of any institution, you will not and cannot fulfill to the people of this state the obligations respecting more important matters which they have placed upon you.

It is with reluctance that I withhold my approval from any of your acts, but in the discharge of my public duties I cannot do otherwise than call to your attention first, the urgent need in this state of broad, constructive legislation, and second, the fact that thus far many of your deliberations have resulted only in the assumption of duties which I believe should properly be left to the towns and cities or institutions to which they relate.

Your existing legislative practice creates boards, commissions, superintendents, and directors having jurisdiction over certain institutions, utilities, and departments of the public service; and then strips from these bodies and individuals a considerable portion of their responsibilities and their power.

So long as duly constituted governing bodies are created, either for communities or for institutions it would seem to be the part of wisdom to leave to their judgment and experience the control of their own affairs in order that they may either demonstrate their efficiency and remain vested with proper power, or prove their inefficiency and be removed from the public service.

I deplore the necessity of calling to your attention these vital matters of management and public policy, but the history of the present legislature to date leaves me no recourse but to declare freely and without reservation what I believe the popular voice of the state demands.

[To the honorable senate and house of representatives, May 29, 1911.]

Herewith I return without my approval "An Act relative to wages of employees of the metropolitan park commission and the metropolitan water and sewerage board," which provides that wages paid in this department to laborers directly employed by them shall not be less than \$2.25 a day.

I am earnestly in favor of giving to all public servants, whether heads of departments or day laborers, an adequate remuneration, provided that as individuals they demonstrate their fitness for their employment.

I believe it is unwise for the legislature to determine the wages which any class of workmen shall receive, irrespective of their individual efficiency, and solely because they belong to a certain department of the public service selected for legislative favor.

This bill would increase the public expenditures of this state by a sum approximating \$50,000, with no guarantee whatever that the state would receive one cent's worth of added service.

I am sincerely in favor of any proper legislation which gives to our public service commissioners the right to pay adequate salaries, when in their judgment such salaries are justified by the service rendered, but to fix arbitrarily, over the heads of our commissioners, such added pay as you now propose, is incompatible with the discipline of our state departments, and fatal to the best efficiency.

[To the honorable senate and house of representatives, June 1, 1911.]

I transmit herewith a report by Mr. Harvey S. Chase on the department of the commissioner of corporations and tax commissioner.

In this department there are four principal functions: namely, those of the commissioner of corporations, tax commissioner, supervision of assessors and inheritance taxation.

Mr. Chase reviews the work of the six commissions which have studied the tax problem during the past seven-

teen years. Although little has been done, as a result of these commissions, it seems obvious that the difficulty lies partly with the law which does not empower the tax commissioner to compel local boards of assessors to do their duty, and which does not provide adequate penalty for the evasion of law in certain instances. Particularly as regards legacies, penalties for the evasion of taxation need to be strengthened and a petition to that effect by the tax commissioner is now before the legislature.

In the supervision of local assessors the commissioner may now, under the law, inspect the work of the assessors and advise them. He can recommend, but cannot enforce, a just valuation. In the taxation of real and personal property the law requires that the assessors of towns and cities shall make a *fair cash valuation* of all property, real and personal, which is subject to taxation. It is a notorious fact that this is not commonly done. Assessors are subjected to all sorts of influence and pressure, and are thus drawn away from an impartial discharge of their duty. Moreover, large tracts of real property are undoubtedly assessed at far too low a valuation, and great quantities of personal property escape taxation altogether.

Hence, there is the most urgent need of revision in the existing law. There should be a real supervision of local assessors by the commonwealth, and I renew my recommendation that the tax commissioner be provided with the necessary means for making a thorough investigation of methods of enforcing and improving our taxation laws, in order to secure just and equal taxation.

Coming now to the so-called voluntary associations, the liability of their members is not clearly defined, and no penalty is placed if such associations fail to file with the commissioner a copy of their trust agreement. Moreover, the latter is not empowered to compel the filing of such agreement. In conformity with the recommendation which I made in my inauguration message, the tax commissioner has been authorized by the legislature to investigate such associations, to determine their legal status, and whether or not it is advisable to control them by law or to prohibit their existence.

Mr. Chase finds that the present quarters of the tax commissioner are crowded, and I trust that the pending investigation of office accommodations in the state house

may show a method of remedying this difficulty by redistributing some of the space that is not now fully utilized in the state house.

I approve the annual appropriation of \$80,800 for the tax commissioner's department which is mainly for the payment of necessary salaries, as I am convinced that the unsatisfactory condition of taxation matters in this state arises in large part from inadequate legislation and not from a faulty organization of the commissioner's office.

[To the honorable senate and house of representatives, June 2, 1911.]

I transmit herewith a report by Mr. Harvey S. Chase, on the department of the controller of county accounts.

Upon this officer rests the responsibility under the statutes of verifying the receipts and disbursements of the various county officers. Under this official the accounts of the various counties of the commonwealth are being placed upon a uniform basis and are audited during each year in complete detail by the controller or one of his deputies. The annual expenditures of the department slightly exceed \$8,000 on the average.

A free discussion of the efficiency of this office is somewhat restricted by the fact that alleged irregularities in certain county institutions are now under investigation by a grand jury, definite charges having been brought by a committee of citizens of Middlesex county against the county commissioner, the county treasurer, and the former keeper of the jail at Lowell. Mr. Chase is therefore compelled to limit his observations but he finds that the unsatisfactory methods which exist and which are not in accord with strict interpretations of the law, have become established through long terms of years and that the law should be adequately modified in order to safeguard the expenditures of public funds by the counties.

Mr. Chase sets forth in some detail a comparative table of certain costs in various county jails and houses of correction. Taking for example the Cambridge jail, the costs of provisions per capita per annum are \$59 as against \$32 in the Worcester and Fitchburg institutions; and the costs of clothing are \$16 as against \$4 in the latter institutions, while the salaries of officers per prisoner are \$136 at Cambridge as against \$72 at Worcester and Fitchburg.

The foregoing figures are for 1910. In preceding years the discrepancies have been even greater, as, for example, \$19 for clothing at Cambridge in 1908 as against \$5 at Worcester and Fitchburg; and provisions, \$63 as against \$32. These figures are all quoted from the records of the prison commissioners and it is probable that varying local conditions account for a part of these discrepancies.

Nevertheless, it is obvious that with institutions of fairly parallel character, local conditions cannot account for a difference of 100 per cent or more in such items as the salaries of officers per inmate and the costs of provisions and clothing.

Without going into details which might constitute an infringement of the prerogatives of the grand jury, it seems proper to state that the controller of county accounts has obviously not succeeded in bringing about an equality of efficiency in county expenditures.

The functions of the controller are somewhat parallel to those of the bureau of statistics. The controller supervises the expenditures of the counties and the bureau of statistics analyzes the accounts of towns and cities. The bureau of statistics, as at present constituted, has undoubtedly acquired an experience in connection with local finances which would enable it to discharge with high efficiency the duty of controlling county accounts. I therefore urge that the office of controller of county accounts be abolished and the duties of that office given over to the director of the bureau of statistics with an adequate compensation for the increased responsibility thus put upon him. I believe a greater efficiency in the combined work of the two departments would result.

I have already advocated the creation of a finance commission to direct public finances throughout the state and I believe that the combination just suggested is a step in the direction of constituting such central authority.

The state is undoubtedly overburdened with commissions and separate departments which closely parallel each other's work. To consolidate such departments as those of the controller of county accounts and the director of statistics would unquestionably make for public economy and better public service.

I pass the pending annual appropriation for the controller of county accounts, namely, — \$8,800, with, how-

ever, the earnest recommendation that the office be abolished as soon as practicable and merged with the bureau of statistics.

[To the honorable senate and house of representatives, June 5, 1911.]

I transmit herewith a report by Mr. Walter Webster on the metropolitan park commission.

The pending annual appropriations for this commission aggregate over \$685,000, all of which is for its regular work and does not include additional purchases of land or "extraordinary expenses." The two chief items are \$370,000 and \$189,000 for the yearly expenses of the reservations and parkways, respectively.

The metropolitan park system represents a capital outlay of over \$18,000,000, mainly spent for the purchase of land and its improvement. Including interest on this debt, the total yearly cost to the taxpayers is over a million dollars. The entire direct state tax is less than five million dollars.

Considering the large costs of our necessary public institutions, hospitals, asylums, schools, prisons, etc., and the general running expenses of the state government, I cannot believe that the taxpayers of the state intended that the park systems should ever absorb so large a proportion of the public funds; nor do I believe that it is either necessary or expedient to keep on indefinitely increasing the area and the annual expenses of these reservations.

For example, the metropolitan reservations now comprise 9,400 acres, consisting mostly of woodlands, intersected by wood roads and foot paths. The cost to the state represents \$40 per acre each year for up-keep and expenses as shown by the figures given, not including the interest charges.

The high cost of labor is assigned as a reason for this, but from Mr. Webster's analysis of costs, it is obvious that the annual labor charge of \$105,000 is only \$11 per acre and he recommends reducing this. He says that "the labor item has a constant tendency to grow larger and larger in an almost imperceptible way and that when the force is once increased it is almost never reduced." The same criticism may justly be made of all the other expenses.

In comparing the pending appropriations with those of 1910 it should be noted that there is a net increase of only

\$12,000, including all the newly added expenses of the Charles river dam, which amount to \$91,000 and which were previously disbursed under a separate commission. On the surface, therefore, these figures show, as stated by Mr. Webster, a reduction of nearly \$80,000 this year in the annual expenses of the parks and boulevards. However, when we take account of last year's extraordinary expenses, such as the cost of new buildings and the \$59,000 cost of repairing the damages by storm at Winthrop, this apparent saving is wiped out. In fact, the requests for appropriations this year taken item by item, for police, labor, wages, and even for engineering costs, are uniformly higher than last year, aside from the added expenses of the Charles river basin.

In my judgment the metropolitan parks represent a dangerously heavy outlay of money. Almost the entire present metropolitan parks property was acquired prior to 1901, but during the ten years since then, the running expenses have piled up at a startling rate. The same is true of the parkways (to maintain which an additional annual expense of \$189,000 is incurred). These are thirty-one miles in total length, with an area of 864 acres. These are mainly boulevards with a strip of parkway on either side. Their average width is (from figures given) 200 feet, including that of the roadway. To maintain each mile of such parkways costs, per annum (on the average of this year's request for money), over \$6,000. For comparison I may say that the whole cost of constructing the state highways in the metropolitan district has been but \$17,000 a mile.

I believe that the general public is getting very little return for the immense and increasing outlay. As an instance, the yearly costs of the item of road repairs are now over five times (per square yard) what they were five years ago. This increase is almost wholly due to high-speed automobiles and I cannot see why the automobile owners should have these pleasure roads kept up for their use at public expense.

For example, the annual costs of policing these public spaces are \$173,700. A far larger police force is required in summer than in winter, largely on account of automobile travel. Yet the force is kept up through the winter and kept partially occupied in cheap, manual labor, such

as cutting wood, notwithstanding the immense sums paid directly for labor.

The general situation may be summed up in the language of Mr. Webster's report:—

“The regular park boulevard has been converted into an aristocratic highway and the public is paying the bills.”

This comment is all the more striking because of the notably conservative character of the report.

A somewhat parallel situation is revealed by the Charles river basin, now maintained under the metropolitan park commission. This enclosed water park was built by the people at a cost of over \$4,000,000; it is supported by the people for public use at an estimated cost, this year, of over \$90,000; yet in the last annual report of the chairman of the metropolitan park commission we read that the commission has proceeded slowly in popularizing the basin because of the “plainly expressed disinclination of property owners in the neighborhood of the basin to have its present clean-shaven, formal look, and the uninterrupted vista from their houses, interfered with.”

In the same line I regret the necessity of reporting that a section of the Blue Hills reservation, along its southerly edge, in Canton on Turnpike street, is not marked as public land but is permitted to appear as private property, occupied in part by a privately maintained polo ground, hennery and piggery.

I earnestly recommend that no additional purchases of land and no more elaborate engineering improvements on land already purchased be made, until the present public investment in these parks is made more serviceable to the public itself; and until the annual costs to the public are reduced by increasing the license fees on pleasure automobiles and applying these funds directly to the up-keep of these parks and boulevards. With over 30,000 automobiles now owned in this state, a very moderately increased tax on them would remove this present excessive burden of up-keep from the general public, and the very moderate remaining public expense would represent only a fair price for the use the people make of these public lands.

Mr. Webster recommends certain reductions in expenses, such as reducing the police appropriation by \$10,000; the labor item by \$10,000 and the cost of lighting by \$5,000. I believe these reductions are feasible and request that

they be made. If this is done as a start I feel sure that further reductions can be made annually, but I believe that it is of much greater importance to enact a law which will provide for collecting larger automobile fees and thus put the heavy costs of maintaining the parkways directly on those who use them most.

The pending regular appropriations for the commission amount to \$370,597.96 for the reservations; \$189,483 for the parkways; \$26,500 for the Nantasket beach reservation; and \$6,512 for the Wellington bridge. Last year the appropriations (excluding cost of damage by storm at Winthrop and other special costs) were \$363,142.96, \$174,507, \$24,300, \$6,512, respectively, or a total of \$24,631 less than the present requests. I approve for the current year only these same amounts of last year, and also approve the pending request for the Charles river basin of \$91,975, representing expenses previously borne by a separate commission which is now discontinued.

There are also pending special appropriations for engineering work, amounting to \$60,000. I cannot approve these at this time but will report upon them in connection with other engineering work now under investigation in the metropolitan area.

[To the honorable senate and house of representatives, June 6, 1911.]

I transmit herewith a report by Mr. H. L. Coe, associated with Mr. C. L. Harpham, on the utilization of floor space in the state house.

Mr. Coe has tabulated the present offices in the state house and shown the number of officials and clerks occupying each office, omitting all reference to corridors, public spaces, and legislative halls which do not come within the scope of this investigation.

The space used for offices, namely 76,000 square feet, is found to be occupied by 44 chiefs or officials and 499 clerks or subordinates. On the average each official has at his disposal 300 feet of floor space and each clerk 126 feet.

In order to arrive at a reasonable basis for comparison Mr. Coe has also measured five business houses in Boston which accommodate in all 1,000 clerks; and in these establishments the average space per clerk, including desks, files, and general equipment, is 35 square feet. In spite of the present often-repeated claim that the state house

is crowded, it is obvious that the state house clerks have on the average between three and four times as much space as would be allowed in first class banks and business houses.

If the present space in the state house were redistributed, allowing an average of 180 square feet per official and 72 square feet per clerk, all these employees of the state would then have over twice as much as they would be allowed in private employment, and yet there would be left vacant in the state house by this rearrangement, 32,000 square feet available for additional help.

The significance of that fact is shown by Mr. Coe's statement that the total office space now rented by the state outside of the state house, for boards and commissions, is less than the amount thus saved. Take for example the private office of the sergeant-at-arms with 496 square feet, an ante-room of 240 square feet, and an adjacent room of 528 square feet. This space is now used by the sergeant-at-arms, his cashier, and as headquarters for his clerks and messengers. The private office of the president of one of Boston's largest banks has only 225 square feet which is less than the sergeant-at-arms' ante-room.

I direct your attention also to the preliminary report which has just been rendered to the legislature by the special committee which I appointed under legislative authority and consisting of Messrs. Whitecomb, Bowditch, and Chapman. These gentlemen have submitted to you a drawing of the existing condition of certain offices in the state house, showing filing cabinets, desks and other office furniture in more or less confused disorder, and have also submitted another drawing or plan showing the same offices as they would appear if re-arranged in accordance with business methods.

From these comparative plans it is obvious that an immense saving of space is feasible merely by the simple business expedient of systematizing the arrangement of desks.

Turning next to committee and board meeting rooms. There are at present 25,000 feet of such rooms in the state house and 6,000 feet outside. This space in the state house is used mainly for legislative hearings and similar purposes. There are 29 committee, board and

examination rooms in the state house and so far as can be ascertained the maximum number of committee rooms in use at any one time is twenty. Allowing half a day for each such meeting (which I believe is excessive), it would be possible to accommodate about 4,600 committees during the active period of the legislative session. However, we can find records of only 1,186 meetings, which means that this space in the state house is used at less than one quarter of its full efficiency.

Notwithstanding this, the state is paying for 6,000 feet of committee rooms outside the state house. Yet, all the committee meetings of the various boards and commissions can be scheduled to occur in the present legislative committee rooms of the state house, during such time as the legislature does not use them, which is as stated, about three quarters of the time.

Necessarily certain departments of the commonwealth would have to exchange their accommodations, each taking another's present quarters. Also it would be very desirable if this could be accomplished with the cordial cooperation of the various public servants whose convenience would be somewhat interfered with. The problem, however, is not one for them to solve. The public, who pay the bills, have a right to expect the efficient use of the public funds, and office rent is just as much a fact whether it is included in the up-keep of the state house or paid out to the owners of private office buildings.

It will not do to say that this re-arrangement entails any hardship upon the employees of the state for it must be remembered that the proposed re-distribution would still provide over twice the space for each individual that is furnished in first class business practice in Boston.

To indicate how far the present method deviates from good business management, I will call attention only to the fact that the legislature has given 6,500 square feet of well lighted floor space, on the northeast end of the building, for the use of book stacks and files in the library department, notwithstanding that it is the most desirable office space in the building.

As to storage spaces, of which there are 46,000 square feet, in the state house, Mr. Coe finds that this space is not well utilized but I think I have summarized the substance of his report sufficiently for your information.

It should be observed that there is enough room in the state house for years to come to accommodate the business of the commonwealth. If in the course of years the offices become crowded, further relief would be afforded by building light, iron work galleries overhead in nearly all the rooms and using these for the storage of records and files. To a limited extent this is now done without in any way interfering with the efficient use of the offices and with a distinct gain in their business-like appearance. With 17 feet of overhead room it is obviously possible to provide abundant space upon such galleries.

As regards ventilation, there is at present a fair equipment of ventilating apparatus but no air washers have been installed on the main inlets. Hence the hot air ducts have accumulated soot and dust which is blown into the rooms and occasions discomfort. It would not be expensive to put an air-washing device in the present ventilating system and then to use this system at its full capacity. With such provision the state house could return to the use of soft coal and thus effect a further saving of thousands of dollars a year. I am of the opinion that the improvement of the ventilating system should be entrusted directly to competent engineers and not to a special commission.

[To the honorable senate and house of representatives, June 8, 1911.]

Herewith I transmit reports by Mr. Clinton H. Scovell, on the work of the state forester and the commissioners of fisheries and game. On the first named report Mr. E. S. Bryant, consulting forester, has served with Mr. Scovell.

FISHERIES AND GAME.

The fisheries and game department involves an annual expenditure of \$62,000, of which \$47,000 is spent for the enforcement of laws, including the pay of fish and game wardens. The work of these wardens is checked by weekly reports which appear to be adequate. I criticise the policy of this commission in raising forest seedlings which are to be set out to develop shelter for game birds. If this work is of any value it would seem better to carry it out under the direction of the state forester.

Mr. Scovell finds no reason for the continuance of a three-headed fisheries and game commission, the nature

and scope of the work being such that it would be well administered by one competent man. I concur with him in recommending the re-organization of this commission and placing it under the direction of one man. The ultimate consolidation of this commission with the state forester's office will be taken up herein.

STATE FORESTER.

The moth work of the state forester having been previously reported upon, the present report is limited to discussion, first, of general forestry work, which consists in an examination of wood lands and vacant land regarding which the owners desire expert forestry advice; second, fire prevention; and, third, the acquisition, by sale or gift to the state of parcels of land which the state retains and improves under the forester's direction, and amounting thus far to 60 tracts.

Mr. Scovell states with regret that only in the case of one of these parcels of land purchased by the state has a satisfactory map been made out and that the records of work done are extremely disappointing.

In other words, the state has been paying out money to acquire experience in regard to the values accruing from the reclaiming and reforestation of waste or badly utilized land, and it appears impossible to say, from the records filed, to what degree this money has been efficiently expended.

In the state nursery for trees also, there are no satisfactory records to determine what kind of seedlings, or what method of culture, is most practicable, although the nursery work as a whole has clearly paid.

As regards fire protection, it is to be regretted that in this state approximately 40,000 acres of woodland are accidentally burned over each year, causing a loss of a quarter of a million dollars. The forester is keenly alive to this situation and has requested authorization, which I believe should be given him, to exercise a more rigid control over the causes of forest fires.

Mr. Scovell believes that by this means the state could reduce its annual loss of \$250,000 through forest fires to \$100,000. The national forester, Mr. Graves, advises Mr. Scovell that Massachusetts appears to be in great need of such system.

At present the state employs wardens for fish and game but not for fire prevention, and is now paying out annually nearly \$50,000 for enforcing fish and game laws. It would seem reasonable to apply some of this money to the more urgent need of fire warden service. Mr. Scovell discusses the duties of both sets of wardens, and although it is debatable whether the combined duty could be done by one set of men, I nevertheless believe that it will be feasible to combine all this work (as it is done in New York state) under a central management of forestry, fisheries and game.

TIMBER VALUES.

In particular I ask your earnest attention to Mr. Scovell's recommendations in regard to a broader scheme of conserving the forest values of this commonwealth, with a substantial financial advantage to the state. If in connection with an intelligent system of fire prevention, the state shall embark on an active plan of planting soft woods on waste land, we will quickly raise a great state property in standing timber from which ultimately an annual profit to the state of not less than \$2,000,000 can be derived.

If the towns object to the resulting deprivation of income from such land (now worth on the average less than \$3 an acre), the state can well afford to pay them, out of its profits on the timber, a full equivalent for such taxation. If in carrying out this plan the legislature will go no further than providing a means to prevent forest fires, a substantial gain in economy will result at once.

The pending appropriation for fisheries and game is \$73,285, or more than \$11,000 above the cost of that department in 1910. I approve only an appropriation equal to last year's costs, and instead of spending more money I recommend placing the department in the hands of a single commissioner or manager, with obvious economy.

The pending appropriation for the state forester, aside from the \$150,000 item for moth work, amounts to \$30,000. Last year (aside from moth work) \$27,000 was spent, and I can approve of only that amount for the present year with, however, an earnest recommendation to the legislature to consider means of effective forest conservation and development, which the present province of the state forester does not include.

[To the honorable senate and house of representatives, June 16, 1911.]

I transmit herewith a report upon the organization and functions of the state board of health of Massachusetts. This investigation was assigned to Dr. Charles V. Chapin, superintendent of health for the city of Providence.

For your immediate attention I commend Dr. Chapin's comments upon the control of the Massachusetts milk business.

At present our farmers are subjected to the excessive burden of many different lines of inspection. They have their local inspectors, and are also visited by the employees of the state cattle bureau, and the state dairy bureau. In addition to this, there is the inspection by the state board of health. These various classes of inspection are undoubtedly most irksome to the farmer. The control of the milk supply is primarily a sanitary matter. The principal function of the state in relation to milch cattle is to see that human beings are sufficiently protected from diseases due to diseased cows.

Referring to the inspection of milk and dairies, Dr. Chapin says: "the interests of the producer must be guarded as well as those of the consumer. Rash and hasty legislation and to an equal extent, unreasonable execution of the law should be avoided." He says that the board of health may be relied on to protect the producer and dealer as well as the consumer.

Our present system of inspection is too scattered and is exercised under too many authorities to be either efficient as a state expenditure or equitable to the farmer. For example, the dairy bureau is asking for \$10,300; the cattle bureau for \$14,000; and the agricultural department asks for \$100,000 additional for use in exterminating contagious diseases among domestic animals; all of which is in addition to the inspecting and testing service of the state board of health.

There is no question in my mind that if all these expenditures, so far as they relate to the milk supply, were concentrated under the board of health, the milk producers would be better satisfied and whatever inspection of milk and dairies is required by the state could be more effectively carried out.

I recommend legislation to free the milk producer from the present multitude of regulations and to create one defi-

nite simple line of state control. This state control should not interfere, however, further than is necessary, with the local regulations of the farming community as to dairy conditions, but should indicate the lines along which local communities ought to proceed, and exercise the right of supervising and directing their work.

Dr. Chapin finds the existing organization and efficiency of the board of health commendable. It is undoubtedly doing excellent work and I believe its organization should be strengthened.

The pending estimates for the state board of health are \$155,700 — slightly less than last year's expenditures — and are hereby approved.

In connection with the foregoing, I call your attention to the pending appropriations for the boards of registration in dentistry, medicine, pharmacy and veterinary medicine, which are substantially the same as last year and are approved as follows:—

Board of registration in dentistry, \$3,900; in medicine, \$6,450; in pharmacy, \$8,725; and in veterinary medicine, \$1,350.

I have conferred on these subjects with Dr. Chapin and have given the matter considerable attention, without, however, the formality of a detailed investigation inasmuch as the appropriations are relatively small.

I request the legislature, however, to consider a plan of consolidating these four boards of registration into one board. Such consolidation would probably reduce the clerical and incidental expenses and if you find such consolidation to be feasible, then the further problem of uniting such joint board with the board of health could be taken up, although such union at this time between the various registration boards and the board of health, does not appear feasible.

[To the honorable senate and house of representatives, June 19, 1911.]

Herewith I return without my approval, a "Resolve to provide for the construction of family tenements for employees at the state farm." This resolve calls for the purchase and construction of not less than fifty family tenements at a cost not to exceed \$40,000.

I believe it is an unsound policy for the state to provide houses for the employees of its state institutions, except

in the case of superintendents, and such officers and employees as should in any event live within the buildings of the institution itself.

I think that such employees as may properly live outside of the regular institutional buildings, should be encouraged to occupy their own homes, and that if their salaries are inadequate for that purpose, such salaries should be properly adjusted.

The building of fifty tenements by the state, at or near the state farm, would create a community in itself, which I do not believe is a wise policy irrespective of the town in which the institution is located.

Moreover, recent investigations have indicated that the expenditures for building operations at the state farm were not sufficiently safeguarded to warrant the commonwealth in incurring any expenditure of this character which can be avoided.

[To the honorable senate and house of representatives, June 21, 1911.]

I transmit herewith a report upon the state board of charities and the institutions under its care, by Mr. Joseph P. Byers, secretary of the state charities aid and prison reform association of New Jersey, and Mr. Frederick H. Mills, director of industries in the penal institutions of New York state.

CARE OF CONSUMPTIVES.

We are maintaining in this state four state sanatoria for consumptives. The original purpose of the state was to take charge of consumptives only when in the early stages of the disease, at which point a cure might be effected. But the testimony proves that these institutions have been unable to attract enough incipient cases to fill them. Hence they have been opened to advanced and incurable cases for the purpose (according to the testimony) of reducing the per capita cost of maintenance.

It is not claimed that these cases are suitable for sanatorium treatment. On the contrary, their presence reduces the chances for recovery of the incipient cases. It is evident from the testimony that the state has established no policy, no rule regarding her consumptives, and has largely failed of the original plan to care for the incipient cases.

On this point Mr. Lincoln, chairman of the state board of charity, on being asked as to the policy of the state as to caring for consumptives said: "I do not think we have, as a state, any policy." The testimony taken in the institutions confirms this.

At the Rutland sanatorium for example Dr. Bartlett testifies that there are 56 incipient cases and 274 advanced and moderately advanced cases; and adds that the purpose of the institution has never been wholly fulfilled.

Yet in spite of this fact these sanatoria are being extended and over \$40,000 is now wanted for miscellaneous extras above the yearly maintenance.

No one claims that the state could possibly care for all the advanced cases of consumptives in any event, for it is well known that a very large percentage of the entire population dies of this disease. To go on year after year taking in more and more of these advanced cases, without considering where the matter is going to end, is sheer nonsense.

I mention this as an instance of the state's entire lack of forethought and comprehensive planning in relation to our present rate of increase in our public expenditures.

CARE OF NEGLECTED CHILDREN.

The state now spends over \$500,000 in the care of neglected children; one of the most important duties of the commonwealth. The investigators have very carefully reviewed this humane work, but they are obliged to report that the present policy of the state tends to encourage the neglect and abandonment of children by their parents, and that it encourages the smaller communities to work off on the state a burden that ought to be borne locally.

The present system of boarding out 4,500 children by the state, with only 60 adoptions out of the total, tends also to commercialize the business of taking care of these state wards for pay. Legislation is needed at once to make the towns and cities responsible for the direct care of their poor to a larger extent.

To show the present tendency it should be noted that the testimony taken in the state board of charity shows the annual average increase in the number of children cared

for by the state is substantially four times the rate of increase of population.

Here again the state is going ahead with an appalling increase of expenditure without stopping to consider whether the expenditures are really helping our poor people or whether the present policy is actually spreading pauperism like an infection.

ADULT POOR.

Then again, we spend over \$330,000 a year in helping the adult poor and here again public money is being poured out without any business-like and adequate safeguard. This money is paid out to local overseers of the poor in repayment of sums which they claim to have spent, but their oath is not taken for these expenses and the bills they render are not required to be audited either by the locality where they were incurred or by the state auditor before the board of charity pays them.

If the testimony were not definite and conclusive on this point I should hesitate to mention this situation. Nevertheless, the facts are clearly shown in the testimony and moreover, there is reason to believe from the testimony, that local politicians have been able to influence the distribution of state charity, through their local overseers, as a sort of political patronage.

The legislature should demand definite proof as to where this money has gone before the state repays it. This is necessary, not only for business reasons, but for the purpose of safeguarding the poor who are entitled to state help.

STATE INFIRMARY.

Here again, although this is a splendidly managed institution, the lack of a broad state policy is evident, as the infirmary has grown to include an almshouse, a general hospital, an insane hospital, a consumptives' hospital, and a children's hospital — all in one institution. To say nothing of the policy of putting all these classes together, it is especially bad for the children to be in the environment not only of the almshouse but the insane asylum.

I request the legislature to consider at once a reorganization of our state institutions, by which children can be

provided for without close association with either an almshouse or an insane asylum.

WORK OF THE STATE BOARD OF CHARITY.

The investigators comment that the state board spends \$800,000 a year and also advises and supervises these expenditures: Hence there is no adequate check on these immense sums. The board is practically the sole judge of its own work, and efficiency.

After a consideration of this testimony, I now urge that the duties of the board of charity be changed so that they may no longer advise the distribution of state funds and also distribute the funds themselves. I am not saying this in criticism of the board, but of the policy of the state which permits such an unbusiness-like arrangement.

The investigators think that all responsibility for these public expenditures should be taken from the board of charity and that they should remain only as an advisory body over all the private and public charitable institutions of the state. We should then create a definite and separate business management for each of the different departments of the present board and combine these under a general business manager.

PRIVATE CHARITIES.

At present the state board has not the authority to inspect these private charities and some of these are suspected to be fraudulent. It is gratifying to note the evident faithfulness of the officials of our state charities, and this makes it easier to suggest, and for the legislature to enforce, a better business plan, a broader and better defined policy, and a reasonable concern for the future load of debt which the lack of such policy will eventually fasten upon the commonwealth.

I cannot approve the appropriation for the board of charity, of \$893,181, but must request that they continue at not more than last year's rate of expenditure.

The report is accompanied by over 250 pages of typewritten testimony, taken at our various institutions and the board of charity, copies of which have been duly filed with the ways and means committee and the executive council.

For the state infirmary I approve the pending appropriation of \$394,000; and also for the Massachusetts hos-

pital school, the regular appropriation of \$38,219.49. But I cannot approve the special appropriations for either institution, namely, \$42,000 for the school and \$57,200 for the infirmary. While these special appropriations might be in part requisite if we are to continue under the present methods, I believe these methods should be greatly improved before the institutions themselves are enlarged.

Supplementary to the reports named, I also transmit a report on the infirmary and the hospital school, of Messrs. Harpham and Coe, dealing in detail with the current and proposed expenditures.

[To the honorable senate and house of representatives, June 23, 1911.]

In my former message on the service in the state house I called attention to the extravagant cost of heat, light and power service.

I now transmit herewith a brief report by Mr. H. L. Coe calling attention to the fact that the Edison Electric Illuminating Company of Boston stands ready to take over the complete operation of the present plant, at the state house, to supply electric power and light and all the steam heat now used in the state house at a sum \$12,000 less per annum than the present costs of \$50,000 for the items specified, by the Edison company, and with identical service.

Here is an immediate saving of one quarter of those costs.

Moreover Mr. Coe states that the Edison company will share with the commonwealth the costs of a detailed investigation to determine what further economies they can themselves effect beyond the sum named.

Here then is the proof that the present costs can be reduced greatly at once, with the probability that a still greater reduction could be made after that company took hold of the proposition.

If a private company can effect such a great saving without lowering the quality of the service, then the state ought either to do the same or else recognize its inability to do so and accept the Edison company's proposition.

The Edison company's letter accompanies Mr. Coe's report.

[To the honorable senate and house of representatives, June 23, 1911.]

Herewith I transmit a report by Mr. H. L. Coe upon the adjutant general's department.

This department now represents a yearly outlay of over \$300,000 aside from the cost of new armories.

I have already urged a curtailment of the expense of building new armories, and also that a more adequate plan of compensation for the militiamen be drawn up by the legislature in anticipation of similar action by the federal government; the adjutant general concurring in both suggestions.

I have now to consider the general expenditures of the department. These represent the costs of military transportation, rifle practice, allowances for uniforms and repairs, compensation of officers and men, and the miscellaneous contingent and incidental expenses.

Mr. Coe discusses the present difficulty of satisfactorily analyzing these costs and calls for a better system of accounting.

The present adjutant general on assuming office, found it impossible to get from the accounts of the department a clear record of each division of the expenses, and he has been most anxious to have a business-like system of accounts installed.

For example, it has been the practice in past years to lump the various items of the appropriation together to a certain extent into what are called "company funds" and to leave the disbursement of these to the captains of companies.

From Mr. Coe's analysis of the facts, I believe the state auditor should be required to draw up a form of accounts for the military department and co-operate with the adjutant general in putting the finances of that department into shape.

By that means the actual cost of each of the state military operations can be known and economies brought about which have been impossible hitherto.

As an instance of the need of this, I may say that at present the state pays rent and damages to property for the land used at encampments. A proper classification of expenses would indicate the amount of each factor in the encampment costs, and would show to what extent the state could save money for example by using state land

for this purpose. Mr. Coe suggests using the reservations and also the undeveloped lands at the industrial school for boys, so far as such state property will answer for the purpose.

The present adjutant general has taken the initiative in asking for more power to improve his department and I approve the pending appropriation of \$327,264 in the expectation that he will be able to greatly improve and systematize his department if accorded due co-operation.

Furthermore it appears that this state is put to considerable expense annually by reason of double fines exacted by the United States government for the loss of certain articles of equipment. In order to avoid these double fines the adjutant general requests the appropriation of \$6,000 for the immediate replacement of the lost articles.

House Bill No. 1729 now pending would provide for this item.

I urge you to provide the necessary funds for this purpose.

In connection with the foregoing, I hereby approve also the surgeon general's appropriation of \$6,700, the quartermaster's appropriation of \$183,500, and other miscellaneous appropriations, as follows:

\$53,000 for the land court,
\$5,380 for the commissioner of public records,
\$15,480 for the commissioner of weights and measures,
and
\$65,000 for the nautical training school.

While I believe it would be desirable to report in detail upon the affairs of these various departments of the public business, nevertheless the necessity of avoiding delay compels me to submit them without further formality.

[To the honorable senate and house of representatives, June 23, 1911.]

I transmit herewith a report signed by Mr. C. H. Scovell, on the commissions relating to public service companies in Massachusetts.

This report relates particularly to the railroad commission, gas and electric light commission, the highway commission (having charge of telephone and telegraph lines) and refers also to the Boston transit commission. Its purpose is to point out whatever improvement appears

feasible in our existing method of controlling the several public utility corporations for the benefit of the public.

The report indicates that our present state regulation of public utilities does not safeguard the public; that the policy of the state is narrow and short-sighted in regard to such control and that a remedy may be found either in giving each commission broader power and making them live up to it, or by combining all these commissions into a single public service commission with powers broad enough to cover the whole field of public utilities.

Such joint commission may consist either of experts, or of men of general training. In the latter case, expert assistance can be retained as needed. This latter method is followed in New York.

Our present commissions, as constituted, are a compromise between these two methods and appear to be inadequate. For example, a public service commission, in order to pass intelligently upon the issuance of a certificate of exigency, should either possess in itself or retain, a skilled engineering force to determine all the facts and give these full publicity.

Yet the present imperfect work of our commissions leaves the public unable to determine even the faithfulness of its public servants.

Then again in New York state, the state commissioners watch even the distribution of freight cars, and see that they are moved promptly; they prescribe the forms of rules for public service companies and co-operate with the railroad association in making better rules and thus preventing accidents, and improving the quality of the public service.

In this state the transportation companies are not compelled even to file copies of their rules with our commissioners. No steps taken here have secured uniformity of service, whereas in New York the commissioners have made regulations governing the construction and filing of tariffs and classifications.

Then again commissions ought to be fully acquainted with the details of the accounts and finances of all corporations under their jurisdiction, although this is not always done. The public service commission in New York, which has established a department of statistics for such purpose, says that its work would be worse than useless,

because inadequate and misleading, unless performed upon correct principles and with a thorough understanding of the economic questions involved.

In New York, public service corporations are compelled to retain, to cover depreciation, a sufficient part of their earnings to keep their service right up to the mark. This has not been required in Massachusetts, so that some of our corporations show a serious lack in this regard.

The proper supervision of our public service corporations by the state, to ensure a satisfactory service for the people, has now become in this state a necessity which we should demand. The future growth and welfare of the commonwealth require it.

Turning now to the remedy, Mr. Scovell notes that we have now fourteen commissioners supervising the public utilities named, drawing an aggregate pay of \$59,500 and all having large and costly organizations under them.

In New York all this work is done under a single commission of five men for the metropolitan district and a similar commission for the rest of the state. They draw larger pay than our commissions but they give their whole time to the state and are undoubtedly the best men who can be found for their work.

Hence the efficiency of this public service is unquestionably greater than that of our commissions.

By combining our commissions into a single board we could also economize on the clerical costs, as much of this work is of the same character in all the present commissions.

But in my judgment, the greatest gain would come from the resulting increase in uniformity of control over our public service corporations. With such a board, properly constituted and empowered, we would get better service from the corporations, far better value for the public expense incurred and a better chance of properly developing the trade, commerce and transportation of our state.

In connection with this report I approve the pending appropriation of \$49,500 for the gas and electric light commissioners, with the request that the legislature give most careful consideration to the proposition of combining this commission with the other state commissions relating to public service corporations into one board.

[To the honorable senate and house of representatives, June 26, 1911.]

I transmit herewith reports by Mr. C. H. Scovell upon the state board of education, and the management of the several state normal schools.

The normal schools require about \$400,000 a year and Mr. Scovell has accordingly taken these up in detail. In addition to this \$400,000 expense, the receipts from the normal school dormitories, amounting to over \$100,000 annually are disbursed in connection with the schools. For this total of half a million dollars there appears to be no satisfactory audit, either from the state auditor or the board of education. This is particularly true of the dormitories, for which revenue is collected and expended by the principals without proper supervision. The law clearly states that the dormitory accounts must be kept under the direction of the state auditor, and the present loose method is a violation of that law, and a serious reflection upon the auditing system of the state. Mr. Scovell says on this point that there is as a rule no record to show the actual delivery at the schools of the supplies paid for, and that "this deplorable situation would not be tolerated in a business house."

Practically the entire half million dollars is spent by the several principals of the schools, who are not properly qualified by training to manage such expenditures.

For example there is no general system of buying supplies by competitive bids.

The existing method whereby the principals submit receipted bills as vouchers is of no business value whatever without economical purchasing.

The establishment of a purchasing department for the schools and in fact for the entire educational department of the state appears to be urgently required.

For this year's regular expenses of the board of education with the several normal schools and other educational institutions and factors included in the same appropriation, the sum of \$776,004 is asked for. Adding to this the miscellaneous pending educational appropriations the total outlay of the state for educational matters (aside from agricultural items and the various industrial and reformatory state institutions), is approximately one million dollars.

In all this work as in the management of all its public institutions, the policy of the state should be to see that the public funds are spent in accord with a sound and well-defined policy, and that the expenses are safeguarded by proper business and accounting methods. True economy in all this work consists in spending whatever sums are necessary, but with every possible precaution to ensure a full return to the commonwealth of every dollar spent. Educational expenses are in effect an investment of capital to advance the real interests of the state. Hence our first care shall be to see that the investment is a sound one.

Mr. Scovell's comments upon the board of education are made in full appreciation of the fact that it was re-organized in 1909 and is now only fairly well started on its general program of new work. It appears undoubtedly that the present board is doing its best to remedy the objectionable features of the present system. This is particularly true of the education of the deaf and dumb, as they are urging upon the state a more adequate supervision of this large expenditure.

The next most pressing necessity for improvement appears to be in relation to the item of \$115,000 for the education of the deaf and dumb. At present the education of such children is given over to certain institutions which render tuition bills to the state, although the state has no adequate check upon the quality or the cost of such tuition.

These points bear out my contention that all such expenses, incurred by the state, ought to be safeguarded in a business-like manner. Without such safeguard there is no guarantee that the state as a whole is getting its money's worth, and no guarantee that the individuals to whom the state extends its bounty are receiving the full equivalent of the money expended by the state.

As a means of increasing the revenues of the educational department Mr. Scovell suggests that normal school students from other states be required to pay a larger tuition fee, namely \$100 a year. It seems to me only fair to give every reasonable advantage to Massachusetts students and I recommend the foregoing suggestion to your attention.

I approve the pending appropriation for the state board of education and sundry educational expenses, for the commission for the blind and the several miscellaneous

educational items not thus far approved, amounting to \$940,004, together with the \$25,000 special appropriation for land at Fitchburg, but earnestly recommend the institution of the business safeguards herein enumerated.

[To the honorable senate and house of representatives, June 27, 1911.]

I ask for a better management of the finances of the commonwealth.

The daily cash balances of the state treasury averaged last year nearly \$5,000,000. These funds are loaned to banks and banking houses which pay the state only from 2% to 2½% interest.

We should abolish the existing method. The state treasurer should require all banks which solicit the state's funds, to bid for them. He should then place the funds on deposit only with the highest acceptable bidders.

By instituting this method the treasurer of Ohio has raised the average interest earned by state funds (both active and inactive) to 3-62/100%. If our treasury department would do as well, our state funds would earn between \$50,000 and \$70,000 more per annum than at present.

By thus renovating the state treasurer's department, only in this single item, we can add to the income of the state annually a sum more than sufficient to cover the entire costs of the treasurer's department.

It will not do to say that there is any financial hazard in such plan, for the Ohio law requires each state depository to deliver to the state government as security, an amount of federal or other approved bonds equal to the amount of state funds deposited.

We can have in this state the same security and as high percentage as other state treasurers are able to get if we will compel this step, by legislation if necessary.

This present matter is merely an indication, in a single detail, of the great economies which improved business methods would secure for the commonwealth.

I transmit herewith a copy of the Ohio law.

[To the honorable senate and house of representatives, June 27, 1911.]

I present herewith a report by Messrs. Harpham and Coe, upon the state board of insanity, and the several institutions under its charge.

There are approximately 15,000 people in institutions and homes, supervised by this board. While the whole number of inmates increases annually by more than 374 persons, this is mainly because the rate of discharge from the hospitals has fallen steadily in comparison with the rate of admission. The average annual increase in the number of new cases is only 66.

The total regular appropriations upon which I have now to pass, exceed two and a half million dollars per annum. It is obvious that such large expenditures should have the closest control. Yet at present the institutions are under separate boards of trustees, and over all of them the state board has merely supervisory powers.

To show the importance of establishing a closer control, I will say that the total capital costs of these institutions are now \$14,000,000, but having been built under different direction, the individual costs vary enormously. For example, at Worcester the capital costs are \$1560 per capita; at Taunton, \$870; at Northampton, \$1070; at Westborough, \$970; at Danvers, \$1280; and Boston, \$1490.

These various institutions are all comparable. They afford similar facilities and local conditions do not vary sufficiently to account for these wide differences in costs.

If all of them had been constructed as economically as the one at Taunton, the total cost of these properties would have been \$4,000,000 less. If all had required the same rate of expenditure as the Boston hospital, the cost would have been \$18,000,000. There is, in fact, a lack of any definite central system governing the scale of expenditures.

LAND VALUES.

The land values vary extraordinarily. The asylums are not supposed to be built on costly city land, but in quiet, suburban or country locations. Yet the state pays anywhere from \$16 per acre to over \$1800 per acre. The recent enlargement of the Boston state hospital, on 230 acres of high priced land, has required \$400,000 worth of land. Other land, reasonably accessible, could no doubt have been bought for far less.

COST OF BUILDING.

These vary per inmate from \$320 at Taunton and \$340 at Foxborough to \$560 at Boston and \$1000 at Danvers.

The investigators note that the "colony" class of buildings is by far the cheapest, and that the construction of colony buildings would be the most economical plan to follow, until all the patients suited to this treatment were so housed.

MAINTENANCE EXPENDITURES PER PATIENT PER YEAR.

Worcester, Taunton, Westborough, Danvers, Boston and Northampton, all care for fairly similar classes of insane patients and under reasonably similar modes of treatment. They might, therefore, be expected to show fairly equal per capita expenditures.

Nevertheless, these costs vary enormously. At Worcester they are \$218 and \$223; at Westborough \$260; at Northampton \$202; while at Medfield these costs fall to \$191.

The investigators are unable to find anything approaching a standard rate of expenditure.

GENERAL ADMINISTRATION.

These charges at Worcester are \$19.70 per patient per year. At Foxborough they are \$44.30. These figures do not include actual attendance in the wards and medical service, which might reasonably vary. Similar variations occur all over the series of institutions without any valid excuse.

COST OF FOOD, LIGHT, HEAT AND POWER.

The item of food varies per patient per year from \$58 at Gardner to \$81 at Northampton (including at a fair valuation all locally produced food). If one rate is correct, the other must be wrong. The total cost of food in all these institutions is \$700,000 a year. And on one of the foregoing scales the annual costs of food would be a quarter of a million dollars less than under the other. The establishment of a systematic and specific handling of expenditures would adjust these matters.

Similarly, heat, light and power cost \$25 per capita at Westborough, and but \$15 at Northampton. The total cost of these items is enormous and should be standardized.

We must examine with extreme care all of these expenditures because of the great importance of the work done, and the necessity of safeguarding the wards of the state from any possible hardship due to wrong methods.

Nevertheless, the welfare of the patients themselves demands the establishment of a central control which shall do away with these enormous variations in expenditure.

SPECIAL APPROPRIATIONS.

There are now pending special appropriations exceeding three quarters of a million dollars for the extension of these institutions. Yet a great economy can be reached in practice by re-arranging the present buildings. Moreover, nearly one half of the insane can be provided for in one-story wooden cottages, with a decided advantage to the patients. Hence, the expense of all the institutions should be worked out in line with a central policy, without leaving too much initiative to the trustees of the individual institutions, who do not get a broad outlook over the entire problem.

Objection has been raised to these cottage buildings on the claim that they are not permanent; but actual demonstration would seem to dispose of this theory. Moreover, the state has authorized, during the past year, additional buildings for nearly 1000 more inmates. If crowded conditions have existed, these buildings (now in process) ought to provide for at least one year, or perhaps two years of increase. Bearing these points in mind, we will proceed to discuss the special appropriations.

SPECIAL.

Foxborough state hospital requests \$100,000 as a special appropriation, but the investigators find that this request is not planned on an economical basis. For instance, the "colony method" of housing patients is known to be the most economical. Yet, at Foxborough, a colony cottage is asked for, which will cost over \$500 per patient; an utterly extravagant cost when compared with the per capita costs of similar buildings at the other institutions.

Added to this request is an item of \$17,000 to maintain two re-modelled farm buildings, with 32 patients for six months of the present year, and to furnish certain supplies. Even omitting the \$2500 automobile and other easily preventable capital expenses, this request represents a cost of \$600 per capita per year to maintain each of these 32 able-bodied inebriates on a farm.

I cannot approve this \$100,000 special expense for Foxborough. It appears absolutely unreasonable, and even the ordinary running expenses of the institution are so high that I desire to see the institution entirely reorganized and put upon a sound footing.

Boston state hospital wants \$166,875. \$22,000 of this is for a nurses' home to provide for 33 nurses needed in connection with the new male infirmary. The per capita cost of this building would be \$668. At Wrentham an employees' building has been built at practically one half this per capita cost. I cannot approve this item. A cheaper style of construction would be equally serviceable.

A central service building, to cost approximately \$37,750, is wanted with other factors of a "farm group," making a total of \$83,000.

Mr. Harpham's detailed discussion of the plans convinces me that the whole scheme is an extravagant one. For example, although the institution now has two central heating power plants, \$10,500 is wanted for a third boiler plant for this "farm group." There is no good reason for putting in a high priced, high pressure boiler plant merely to heat these buildings. A low pressure heater at a small fraction of this cost would do the work.

\$42,000 is wanted for a "service building" for storage and refrigeration. Yet by remodelling the practically unused basement of the present buildings, the investigators state that a large excess of such storing space can be provided above the present need.

An expensive ice machine, to avoid the present labor of cutting ice, is equally unnecessary. Again, extensive cold storage of food is not desirable in an institution so near the Boston markets. I cannot approve any detail of this special appropriation of \$166,875.

Less costly dormitories undoubtedly should be provided for and built.

For reserve power a single new dynamo might be instituted or a contract made with the electric light company

for power to use in an emergency if needed. The remaining items are, in my judgment, unwarranted.

Monson state hospital calls for \$43,000 for a refrigerating plant and machine shop, a dining room and new laundry facilities. I cannot approve any of these as they stand. But I call your attention to the investigators' recommendations. They suggest making increased facilities by utilizing a basement, which has been finished but never put in use. They also suggest partitioning the present dining room to provide privacy for attendants if that is desirable, instead of erecting new dining quarters at a cost of \$25,000. The entire estimate requires intelligent revision.

I cannot approve the Northampton state hospital's request for \$46,925 for a bakery and laundry. The investigators believe that a simple re-arrangement of the present quarters will provide the necessary room and leave only the new machinery to be purchased.

I cannot approve the total of the Worcester state asylum's request for \$90,800. Instead of a new nurses' home to cost \$29,000 the investigators think there is enough unused space available for present needs.

The proposed new buildings for patients are considered unnecessarily costly per capita and the plans should be revised and then re-submitted.

Similar criticism holds of the proposed elaborate \$17,000 storage house. Here also a high priced, high pressure boiler is wanted for heating only, whereas a cheaper one, as commonly used for house heating, should be provided. I believe the \$2400 requested for hydro therapeutic treatment to be in line with modern methods and approve it.

Worcester state hospital requests \$116,200 for new buildings, alterations and elevators and 98 acres of additional land. The cost of the property per capita here is already much in excess of the other institutions. In fact, it is higher even than at the Boston state hospital, being over \$1500 per patient in spite of which the institution has been reported to be crowded. Yet the investigators believe that instead of being crowded these buildings would now accommodate, without enlargement, a great many more patients if some of the present rooms were thrown together as small wards.

Enlarged dining room space can be found in the light, thoroughly serviceable basement. The cost of raising the roof of the Salisbury ward, as requested, to make more

room, is in accord with the investigators' suggestions and is approved.

One of the two requested elevators is allowed.

I cannot approve of buying 98 acres of adjacent land at a cost of \$18,000 when the institution already has a spacious park of many acres which the patients do not freely use. But if it is necessary to forestall private building operations close to the outer wings of the institution, I suggest that the state take just enough land for that purpose.

Westborough state hospital requests \$28,480 for altering buildings, for new land and for sewage beds. The buildings undoubtedly need complete renovation and the appropriation as a whole appears sound. It contains no extravagant demands, and is approved.

The Massachusetts School for Feeble-Minded requests \$61,688 for new buildings for nurses and patients. The nurses' building would cost \$873 per person, and the building for patients \$688 per person. At the Wrentham state school a more economical scale of buildings has been followed, and if the trustees of the Massachusetts school cannot do as well, I recommend that the school be enlarged no further, and all necessary additions made at Wrentham. The appropriation is not approved.

Gardner state colony requests \$21,400 for new buildings, equipment and water supply. The principal new building is to cost less than \$300 per capita, and the remaining items are moderate. I therefore approve them all.

There is an item of \$250,000 recently approved by the legislature for the payment of land already taken at the Boston state hospital. I deplore the fact that this great institution was located in such high priced land, — and particularly regret that an opportunity was left for a rise in the value of the land, after the hospital had started, and the necessity of purchasing such land by the state had become apparent. The objection to this procedure needs no explanation.

For a similar reason I condemn the present practice of enlarging any institution piece-meal. For example, this year the Worcester state asylum wants a \$17,000 storehouse, and on the face of the request that sum would appear as the total cost. But the fact is that that sum is for the building itself. Next year the institution would undoubtedly demand a further sum to fit the building up

—backing up its claim by saying that the building was now finished but useless unless equipped. This policy, which is marked throughout all our public works, is very misleading and should be done away with.

In all these costs, a frank statement should be made of the total cost involved. This applies not only to asylums but to parks, reservations, engineering works and to all public expenses.

The Wrentham state school requests \$122,100 mainly for new buildings; and, if an extension of the children's institutions is needed, here is the logical place for them provided the school proceeds as it began. Yet the requested buildings would cost more per capita than the present buildings and I cannot see any justification for such increase. If more buildings are needed a new set of plans should be drawn up on a lower scale of cost.

As to the \$13,000 wanted for a sewer line, Mr. Coe, the engineer assigned to this work, states that this would be a glaring example of extravagance considering that a similar piece of work was executed at the hospital school for less than \$1000, including filtration beds and providing for 30,000 gallons a day. I cannot approve this item.

Passing now to the regular appropriations, these are as follows:

Board of insanity,	\$114,500 00
Worcester state hospital,	229,512 81
Wrentham state school,	68,577 62
Worcester state asylum,	248,792 15
Westborough state hospital,	210,740 06
Taunton state hospital,	197,419 76
Northampton state hospital,	128,610 81
Monson state hospital,	174,478 80
Medfield state asylum,	329,412 32
Massachusetts School for the Feeble-Minded,	259,351 85
Gardner state colony,	123,387 36
Foxborough state hospital,	86,679 25
Danvers state hospital,	293,983 10
Boston state hospital,	193,882 97
	<hr/>
	\$2,659,328 86

In approving these expenditures I nevertheless urge that all be brought at once to a uniform level of business economy. To this end, I recommend that the authority of the state board of insanity be so strengthened as to make it

directly responsible for the immense expenditures incurred in these institutions.

In general, so far as appropriations for new buildings are concerned, I feel that we ought to rest a year, or until the new buildings already under construction are completed and put into service.

[To the honorable senate and house of representatives, June 29, 1911.]

The Honorable Henry E. Turner, auditor of the commonwealth, died at his home in Malden on this, the twenty-ninth day of June, shortly after midnight.

It is with deep regret that I make this official announcement to your honorable bodies.

Of Massachusetts birth and from old Massachusetts stock, his life was spent within the commonwealth. He rendered efficient service in the legislature of this state and was elected auditor in 1900, holding this honorable position until his death.

In his service as auditor of the commonwealth he brought to the department the training of a skilled accountant, and placed it upon a high plane. His devotion to the duties of the office never lagged; and, while he was in ill health during the latter years of his incumbency of office, yet to the utmost of his ability he served the commonwealth faithfully and well.

By his death Massachusetts has lost a valuable servant and one who stayed at his post as long as his strength permitted.

I have directed that the national and state flags be lowered to half staff on all buildings of the commonwealth from now until after the funeral as a token of respect. Your honorable bodies will doubtless take such action as may to you seem fitting as to the best method of showing respect to his memory.

[To the honorable senate and house of representatives, June 29, 1911.]

I transmit herewith a report on the general subject of the engineering expenses of the commonwealth, by Mr. R. A. Quimby, civil engineer, of Boston, formerly chief engineer of street and sewer departments, and executive engineer of the board of survey of that city, and now in private engineering practice.

It appears that this state has spent during the past ten years over \$3,900,000 for the pay of engineers and for services and minor expenses incidental thereto.

I believe that few people realize that such vast sums have been paid out in "overhead" charges. In fact the figures cannot be found except upon careful search. The printed reports do not set them forth in full. A large part of the money appears as extras of various sorts.

These total expenditures of nearly \$4,000,000 have been spread out over many different commissions, some of them doing similar work, but each under a costly engineering staff, and a full return to the state cannot now be found for these outlays.

For example, sea walls, dams, etc., are built, not economically under a central engineering staff, but by separate staffs of high-priced men under the park commission and the harbor and land commission.

Some of the work of dredging streams for health protection is done under the engineers of the park commission, and some of it by engineers employed by the board of health.

The care and planting of trees is entrusted not alone to the forester's office, but to the park commission, the highway commission and the water and sewerage board. The latter in fact maintains two nurseries of its own.

The principal point to note is that the state has kept up for years an intricate system of excessive and duplicated salary expenses which would not be tolerated for a minute in a well-managed business concern.

Mr. Quimby gives these engineering salaries and expenses in detail. In round numbers they are as follows:

Charles River basin commission,	.	.	.	.	\$504,000 00
Railroad commission,	.	.	.	.	43,000 00
Attorney-general's department,	.	.	.	.	6,000 00
Board of health,	.	.	.	.	199,000 00
Water and sewerage board,	.	.	.	.	1,789,000 00
Park commission,	.	.	.	.	335,000 00
Highway commission,	.	.	.	.	743,000 00
Harbor and land commission,	.	.	.	.	305,000 00

To show the viciousness of this state policy, I need only note that the great mass of engineering construction work was finished years ago, and the engineering costs ought

now to have fallen off to a minimum. Nevertheless, last year's engineering salaries and assistance and incidentals cost \$372,884, which is practically as high as the average of the entire ten years' period.

These expenses have been kept up without any sort of justification and they will continue without reduction until the legislature places these public expenses upon a reasonable business footing.

The responsibility for these outlays is upon the state, not upon the boards and commissions, all of whom are merely spending the sums voted to them.

With Mr. Quimby's report I also submit parallel reports by Mr. Clinton H. Scovell, certified accountant, tabulating the expenses of the harbor and land commission, the metropolitan water and sewerage board and the metropolitan park commission; and giving a careful account of these.

Mr. Scovell notes, for example, that the principal work of the water and sewerage department is pumping, and that it would seem as if one central engineering force might direct all this work. Nevertheless the water works have a costly engineering organization separate from that of the sewerage works, and there appears to be no co-operation or interchange between the two. Even the relief or emergency men are not hired for joint service on the two lines of work.

His comment is that the total staff is too large. In fact the whole policy of the state tends to keep on the pay roll many high-salaried groups of public servants long after the purpose for which they were originally appointed has been fulfilled.

I draw your attention to Mr. Scovell's further comments on the absence of genuine competitive bidding for state work and supplies.

Especially of the water and sewerage board for example he says "in fact it appears to be the present practice of the board to invite bids from selected firms only. This practice of restricted competition is open to obvious objections." Among these obvious objections I believe that political favoritism is by far the worst and most costly factor.

Pending appropriations, covered by these reports, upon which I have still to act, are as follows:

METROPOLITAN WATER AND SEWERAGE BOARD.

North metropolitan sewerage system,	.	.	.	\$152,800 00
South metropolitan sewerage system,	.	.	.	101,800 00
Metropolitan water works,	.	.	.	419,800 00

Harbor and land commission, \$151,950 00

As the appropriations vary but slightly from last year's I approve them, but with the emphatic suggestion that the engineering expenses of the commonwealth require immediate reduction through an intelligent reorganization and re-grouping of the work on business-like lines.

[To the honorable senate and house of representatives, July 5, 1911.]

I transmit herewith a report upon the board of prison commissioners and the penal institutions of the commonwealth, by Mr. Frederick H. Mills, director of prison industries in New York state, and Mr. Joseph P. Byers, secretary of the state charities association of New Jersey; both of whom were recommended to me for this work by commissioner Pettigrove, of the board of prison commissioners.

PRISON INDUSTRIES AND PRISON CONTRACT LABOR.

The report and the testimony which accompanies it prove that in our present prison system, goods are being manufactured by prison labor and sold to the trade for public consumption in competition with the products of free labor.

Moreover, we have now in operation practically the old discredited prison-contract system. For example, in the shoe department of the men's reformatory an agent purchases the raw materials, utilizes prison labor and ships the finished shoes to outside customers who make payments to him. The annual product is estimated at 150,000 pairs. The agent receives 40 per cent of the profits; the balance goes to the state. This agent makes no charge against himself for power, labor, rent, light or heat.

Similarly at the Sherborn reformatory for women shirts are made and the greater part of the product is sold to the trade, though here the state itself manages the busi-

ness direct and there is no contract system or agent. Yet the state sells these goods under an assumed name and thus conceals their prison origin. This is known as the "State Account" system.

I believe this condition is grossly unfair to labor, and also to the prisoners and the state itself. It must be discontinued at once.

While our prisoners are producing goods for sale to the public, our state institutions are buying quantities of clothing from outside sources.

In other states it is now found possible to dispose of the entire product of their prison labor to the state institutions. They are not put on the market at all, and so do not come into direct and unfair competition with free labor. This is known as the "State Use" system.

The legislature should abolish the contract or piece-price work, and turn all the "State Account" prison industries, as rapidly as possible, into "State Use" industries and thus get all the prison goods off the market.

As we have over 14,000 inmates in the asylums alone, and many more in the various hospitals, almshouses, and schools, it will be practicable to limit the prison labor exclusively to supplying their wants.

PROTECTION OF THE YOUNG.

Another point calling for your attention is the reorganization of the reformatories. At the Massachusetts reformatory the investigators found felons, common drunkards and young boys associating together in the shops without separation into grades. The testimony indicates a similar condition at the women's reformatory. We are spending immense sums on our reformatories (and our industrial schools which are designed for reformatory effort). The first function of such reformatories is to reform young people, and it is particularly odious that the inmates are not properly classified. The investigators urge that our young offenders (both boys and girls) be protected from older and more depraved criminals.

I urge that all further plans for extending our present reformatory system may be made to include provision for such separation, as is done in other states.

PAROLE OF PRISONERS.

Although the board of prison commissioners is expected to pass upon all paroles, the commissioners have (by resolution) delegated the duties prescribed to them by law, to the chairman of the board. The chairman, with the secretary, now paroles prisoners at his discretion upon the superintendent's recommendation. Prisoners do not, as a rule, appear before the full board.

This seems to me an intolerable practice. Our prison commissioners have a duty to perform, not to delegate to others.

FARMS AND PRODUCE.

The farming operations at these state institutions are very unsatisfactory. The testimony at Sherborn, for example, indicates a pitiful lack of business management. Farming is done almost wholly by paid labor, not by the inmates; and these paid farmers are permitted to take, or purchase cheaply, for their use, the produce of the farm, although the institution is a large buyer of food products at public expense. No satisfactory records were shown of the farm products.

PURCHASE OF SUPPLIES.

The investigators call for a real system of public competitive bids, under which supplies for the penal institutions shall be bought from the lowest responsible bidder; particularly as regards meat, flour, coal, etc. The testimony indicates that no satisfactory steps have been taken to abandon the existing method in this state, which deliberately favors certain sources of supply.

ACCOUNTS.

In 1908 the legislature directed the state auditor to inaugurate a system of accounts for each of these several state institutions; but the investigators report that to date, no comprehensive system has been put into effect and that the lack of it is a great detriment to the state and the institutions.

CONCLUSIONS.

In discussing the conduct of our penal institutions from a business standpoint great care is necessary because the principal consideration is not one of money, but of the

welfare of the prisoners and their chance to take up an honest, self-supporting citizenship when released.

The investigators have approached their task with marked conscientiousness and conservatism. Their comments are not those of hostile critics, but of friendly and experienced advisers.

I feel that their work, which touches so vitally the life of this commonwealth, should receive your most careful consideration.

The conclusion from their work is inevitably that the present prison commission has not succeeded in properly safeguarding the interests of the prisoners or of the commonwealth, either in respect to free labor, or the prison industries, the protection of the young offenders, or the general business conduct of state institutions, and properties.

The investigators cannot recommend the continuance of the present commission, except as a board of visitation and supervision over the penal institutions of the state. They consider that the duties now delegated to the chairman of that board should be entrusted to a central superintendent with two deputies to administer the prisons and to organize and direct their business details and industries.

I call your attention to the fact that the testimony of the various prison officials has been given voluntarily to the investigators and recorded mainly by official court stenographers. It is taken at its face value as the deliberate testimony of responsible state officials and employees. The investigators have carefully followed my request and omitted from their records and from their reports all reflections upon the present organization which were not necessary for the purpose of bringing out their recommendations.

The pending appropriations are as follows:

For the prison commissioners,	\$38,200 00
For the state prison,	179,000 00
For the prison camp and hospital,	46,000 00
For the Massachusetts reformatory,	237,900 00
For the reformatory for women,	62,600 00

In approving these appropriations I call for a thorough-going revision and reconstruction of our existing penal system; including the abolition of the present commission,

a reform of the prison labor system, a better classification of the inmates of the reformatories, and a modern business management for the institutions.

[To the honorable senate and house of representatives, July 6, 1911.]

I transmit herewith a report by Mr. C. L. Harpham on the state board of agriculture.

The pending appropriation for this board includes \$67,200 for miscellaneous expenses and \$100,000 for the purchase and killing of diseased cattle and expenses incidental thereto. Out of these sums only about \$40,000 is spent directly for the encouragement of agricultural work in Massachusetts, including bounties, prizes, and the giving out of useful information.

I believe the prosperity of this state can be increased by greatly enlarging the work of this department, as it is of direct and practical value to farmers.

The sum of \$40,000 a year for building up the agricultural interests of this state seems very small when it is realized that we are spending a million dollars a year, in interest, maintenance and extensions, on parks and reservations, which have cost over \$20,000,000 thus far.

Personally I would be glad to see all further costs of extending our park system cut off at once, and a more liberal sum voted by the state as a whole to advance our agricultural interests.

Given adequate support the board of agriculture can co-operate, for example, with all owners of dairies in this state, to put the business of producing milk on a more profitable basis and secure for the farmers a more equitable treatment in disposing of their products. At present there is annually a decrease of 3500 cows on the farms of this state.

In general agriculture, our farmers are now producing three times as much value per acre as is produced in California or Kansas. The enterprise thus shown indicates that it will be richly worth while for this state to devote larger sums to helping them in a direct, practical manner, even if we have to curtail other (and far less important) expenditures.

I approve the pending appropriations as follows:

For agricultural expenses,	\$67,200 00
For exterminating contagious diseases among domestic cattle,	100,000 00

I also approve of spending \$1000 for an exhibit to represent the agricultural interests of Massachusetts at the American Land and Irrigation Exposition in New York city in November next, as per the accompanying letter from secretary Ellsworth of the state board of agriculture.

In so doing I call attention again to the inefficient and unproductive expenditures of public funds in other directions, as indicated many times during the course of this investigation. A more clearly defined fiscal policy and a more centralized financial responsibility are urgently needed, not only to prevent waste, but to provide money for building up the most vital interests of the state.

[To the honorable senate and house of representatives, July 7, 1911.]

I transmit herewith a report by Mr. Wm. Dana Orcutt, of the Plimpton Press, printers, Norwood, Mass., and Mr. John C. Sherman, of Sherman, French & Co., publishers, Boston, upon the costs of our state printed matter.

A NEW CONTRACT NEEDED.

The state is paying at present about \$300,000 annually for printed matter, and the investigators state that the contract now in force between the commonwealth and the state printers is a "thoroughly misleading and unbusiness-like document and one which would not be taken seriously if offered by a printing establishment to any private publishing house."

The investigators urge that a new contract be drawn up with the assistance of some competent printer.

The report indicates that the state is paying far more than it ought to pay, although the misleading character of the present contract prevents this fact from being generally known.

MODERNIZING THE METHODS OF PUBLICATION.

Also, the methods used in producing the documents are scored as costing 50 per cent more in some factors than the work requires.

To effect these economies it is only necessary to use reasonable judgment in choosing the right size and style of page.

A section of the house journal is shown reset in double-

column with heavy black headings in place of the present small side notes. The change greatly improves the clearness and readability of these pages, and saves one third the cost of typesetting and nearly one third the cost of paper and press work.

In other words, for every \$1.50 that we now pay, \$1 would do the work in better shape and not cut down the rate of pay of a single workman.

As another example 2¼ pages of the report of the board of health are shown reduced to 1½ pages by this two column arrangement. The reduction here is one third and the appearance of the pages is improved.

The significance of these facts may be realized when it is remembered that the total yearly cost of the state printing is \$300,000.

BINDINGS.

As to binding, for which the state now pays about \$50,000 a year, the investigators note that, if these suggestions are followed, many of the documents will be so reduced in size that these can be issued as thin paper-covered pamphlets. The state now pays up to 80 cents apiece for elaborate bindings.

Also many of the annual reports, should be divided into sections, each dealing with a definite division of the subject, and bound up in paper and each section issued only on request. This will remedy the present wasteful issuance of large documents to people who do not use them as a whole and still further cut down the binder's bill.

PAPER.

As to paper, which now costs about \$50,000 a year, the investigators have analyzed the present book paper and state that it is not worth the price paid for it. They suggest that a suitable paper be bought direct from the mill, as is usual with large publishing houses, and not from a dealer, as is now done.

CONDENSING THE REPORTS.

More important still, is the recommendation that the authors of the printed reports be required to condense them. At present many of these documents are enlarged beyond any reasonable limits.

A MANAGER OF PUBLICATIONS.

The investigators recommend that some person familiar with printing be employed by the state (as is done by all large publishing houses) to co-operate with authors, point out reasonable economies and supervise the state's publications.

The present board of publication has not succeeded in this respect. It is made up of busy state officials who cannot give the time necessary to co-operate with the authors in condensing their work, and its discontinuance is urged.

DUPLICATION OF WORK.

At present there is a great deal of duplication between the printed reports. Financial statistics of institutions are given in the auditor's report, and repeated with variations in the reports of the institutions. This matter is very costly to issue and all duplication should be stopped.

ISSUING PUBLICATIONS.

At present our boards, commissions, etc., are allowed to send out large numbers of their own reports. Some of the state offices are cluttered with these books, and clerical help is used to attend to them. All this work should be done in the document room. State officials should merely send addressed labels or lists of names to that room with instructions.

MISCELLANEOUS PRINTING.

The foregoing comments relate to pamphlets and bound volumes. In addition to these there is a large annual expense for innumerable small items and the investigators believe that if these also be put under definite control, economies can be effected greater than those discussed in the report.

The total yearly cost is mostly scattered over miscellaneous appropriations. Only \$106,000 appears as a separate estimate for printing and binding the public documents.

I approve this estimate to provide for current work but desire to see the reforms here indicated put into effect as soon as possible. I also pass the following library appropriations.

FREE PUBLIC LIBRARY COMMISSION.

My own inquiries have satisfied me that this commission is giving useful service in helping the libraries of towns and cities. Its pending appropriation of \$6,950 is approved.

STATE LIBRARY.

The regular annual appropriation of \$27,510 is approved.

[To the honorable senate and house of representatives, July 10, 1911.]

I report, with my approval, the following estimates, on which no further work of investigation will be done:

Savings bank life insurance department,	\$15,000 00
Province laws,	9,600 00
Penikese hospital,	10,785 00

The special appropriation of \$18,350 for Penikese hospital is not approved.

In thus concluding the work of investigation I call attention to the imperative need, in this state, of a central finance board. This investigation has revealed the lack of any clearly defined state policy in the spending of public funds, and the lack of any uniform standard in the management of the business affairs of the state.

It is my judgment, as a business man, that these public expenditures as a whole do not return more than 50 cents of value to the taxpayers for every dollar spent.

This absurd condition is precisely what would be expected in any business house if there were no well-defined and centralized business responsibility.

In my opinion the best way to remedy this condition is to establish at once a state finance board. This board should consider the total expected annual revenues of the state, and, after mature deliberation, should estimate what percentage of these funds could be reasonably expended upon each branch of the state business.

They should also have power to investigate and report upon the business methods of the various county departments, and, when occasion demands, city and town governments, as I recommended in my inaugural message.

They should sit throughout the year, and act in close continuous co-operation with the various head officials of departments, boards and institutions of the state.

They should hear the opinions of such officials and consider these, not separately as is now done by the ways and means committee, but together and in comparison. They could thus arrive at a fair distribution of the state's income.

One of their duties would be to present to the legislature, when it convenes, their estimate of the sums needed by each division of the state's business, and this estimate should be used by the legislature as a check upon the estimates now submitted by the heads of these divisions.

By this method the legislature would have before it a business-like analysis of the fiscal situation, at the start. It would be assisted in its duty of checking extravagance, and with the help of the finance board the legislature would be able to do more in two months than it now accomplishes in six months.

Our existing law fixes upon the governor the duty of passing upon pending appropriations immediately upon his assumption of office. Thus the legislature is required to wait while the necessary survey of these expenses is made by the executive. Under the business-like plan proposed this would be finished when the legislature convened.

In addition to the duties already outlined I think this board should have financial supervision over all state work and hold all state officials responsible for the efficient business-like use of funds entrusted to them.

Also it should be the duty of this board to regulate not only salaries but vacations, which the attorney-general advises it is not now in the power of the governor and council to regulate.

At present there is no such effective supervision of the state business.

Under the "Walker Act" the executive can advise as to what sums shall be appropriated, but has no power of control over the spending of moneys after they are once voted. This act is therefore inadequate. When you shall have created a permanent state finance board this act could be with safety repealed.

In the absence of any centralized financial and business responsibility, the expenses of running the business of the state have mounted up to an excessive figure; boards and

commissions created to institute a line of work have remained indefinitely in office and succeeded in drawing increasing sums from the state treasury. Favoritism in the awarding of contracts and in the purchase of supplies, inefficiency and indolence in public office and a growing spirit of indifference to cost are the inevitable results of the existing lack of system.

The reform here indicated is an urgent necessity.

[To the honorable senate and house of representatives, July 11, 1911.]

Herewith I return without my approval "An Act relative to retiring and pensioning prison officers and instructors."

This act amends a law of 1908 which provided for pensioning certain prison officers, by including therein the persons employed as instructors in our penal institutions.

Since that law was passed, however, there has been put into effect a general contributory pension law for state employees, (chapter 532, acts of 1911) and in my judgment this law should not now be set aside and nullified by special acts such as the one under discussion.

If the chapter above cited offers a wise system of state pensions then we should live up to it.

If it does not, then it should be recognized as inadequate and properly amended.

[To the honorable senate and house of representatives, July 11, 1911.]

Herewith I return without my approval "An Act to establish the salaries of the assistant clerks of the senate and house of representatives."

This act seeks to raise the salaries of these assistant clerks from \$2,000 to \$2,500. The question is as to whether these increases are in line with a sound public policy. In my judgment the establishment of a state finance board will shorten the legislative session and lighten the burdens of legislative employees, thus avoiding the need of increased expenses.

I desire to see such a board constituted, and to have such matters as this referred to them.

The present legislative procedure tends to steadily increasing expenses. The proposed finance board should, on the contrary, produce a steadily increasing efficiency in the public service and ensure a great economy in the public funds.

[To the honorable senate and house of representatives, July 11, 1911.]

Herewith I return without my approval "An Act to establish minimum salaries of judges and registers of probate and insolvency."

This act provides that the judge and the register of probate and insolvency in any county (with two exceptions) shall not receive salaries less than \$1,800 and \$1,600 respectively.

I am heartily in favor of providing adequate pay for these officials but that result cannot be accomplished by legislation of this sort.

What is fair pay for one such official may be entirely out of keeping in the case of another. The salary should be determined in each instance with due regard to the amount and character of the work done.

A state finance board is needed to advise as to these questions of pay, in conformity with the merits of each case; not by an arbitrary rule such as this act proposes.

[To the honorable senate and house of representatives, July 11, 1911.]

Herewith I return without my approval "An Act to provide pensions for the district police of the commonwealth."

A comprehensive system of state pensions has already been established under chapter 532, acts of 1911, approved June 7th, and in my judgment that act should be strictly adhered to if it is adequate, and modified if it is not.

The policy of passing a general pension system and then enacting special laws which remove certain employees from its scope and thus nullifying that system needs no comment.

Only in the special case of old and faithful state employees who have done good work but whom the general pension system may leave imperfectly protected should an exception to that system be made.

[To the honorable senate and house of representatives, July 11, 1911.]

Herewith I return without my approval "An Act to provide for the establishment and maintenance of an independent agricultural school for the county of Essex."

I heartily favor the establishment of these schools by the counties. I think that under suitable restriction the state may well co-operate in bearing the running expenses of such schools, as in fact the present law provides.

But I cannot go so far as to approve of the state paying half the costs of land and buildings.

In this opinion I concur fully with the state board of education, as indicated clearly by the accompanying letter from Dr. Snedden, under date of July 10, 1911.

I am anxious to see the state do all it can for our agricultural interests as a whole, and to that end I think we should build up and strengthen our department of agriculture first, and change the academic work at our present agricultural college for shorter and more practicable courses, of service to the greatest possible number of young men who are to become farmers.

[To the honorable senate and house of representatives, July 10, 1911.]

Herewith I return without my approval "An Act to increase the compensation of members of the general court from \$750 to \$1,000."

If we are to continue to have legislative sessions lasting five months or more, as in the past, undoubtedly an added compensation will be required, but I believe that long legislative sessions are entirely indefensible, and that they result in a great deal of valuable legislation being sidetracked, or killed in committees, while a multitude of small and special measures are given the full attention of the legislature.

In almost all other states short sessions are now the rule, and these short sessions are, in my judgment, more serviceable to the people because they proceed more promptly and along more clearly defined business lines.

If the present legislature will create a state finance board, then each legislature as it convenes will be able to act promptly upon a mass of financial legislation for which the data have been already prepared for it.

In my opinion, there is no excuse of any kind for further delay in relation to the finance board. The necessity for such a board has been most clearly demonstrated, and I now urge it upon you in this further argument that it can be created and maintained for far less money than \$70,000, which the proposed increase of legislative compensation will call for, and will result in vastly increased efficiency in public expenses.

[To the honorable senate and house of representatives, July 12, 1911.]

The general court having seen fit to reject the constitutional amendment relating to taxation reported by the committees on taxation and constitutional amendments, there now remains for it the simple and plain duty to pass a law providing for the enforcement of our existing tax laws.

The legislature, by its deplorable failure to improve our tax laws, will convince the people that it is in effect lending itself to the protection of the taxdodger.

Under the proposed amendment it would have been possible to enact a sane and reasonable taxation system which would have distributed equitably the burdens of taxation without interference with business conditions. Our present tax laws are inadequate, but that is no excuse for the lack of their enforcement. Laws are made to be enforced, and if they are bad laws their enforcement will lead to their change or repeal. It is a matter of common knowledge that the present laws are enforced only at the whim of local assessors, and that ninety per cent of taxable shares and securities owned in the commonwealth entirely evade and escape taxation. The burden of taxation falls on the remaining ten per cent and upon real estate, machinery, the implements and tools of trade, the stock in trade of the merchant and the live stock of the farmer. The mechanic struggling to raise his standard of living, to educate his family and yet save his equity in his little homestead is taxed fully.

This discrimination must cease.

The investigations which I have caused to be made, of the situation, have absolutely convinced me that something must be done at once to remedy these evils.

If selfish interests and differences of opinion are to prevent any reasonable modification of the tax laws along the lines of the committees' report, then there is no alternative but to enforce the present laws as to all citizens alike without fear or favor.

I therefore recommend that this general court enact a law requiring the filing of a tax return under oath by every property owner, with a severe penalty for failure.

[To the honorable senate and house of representatives, July 18, 1911.]

The manufacture of shoes is one of the principal and most important industries of the commonwealth. It furnishes employment to a very large number of our citizens, and in it are invested large amounts of capital. Matters affecting its prosperity affect vitally the general prosperity of the commonwealth.

It seems to be a fact that practically all the machinery used in the manufacture of shoes belongs to one corporation organized under the laws of another state but operating principally in Massachusetts. By its ownership of these machines and refusal to sell them, this corporation not only has been enabled to maintain an almost absolute monopoly in the machinery business, but controls in a large measure the shoe manufacturing industry itself.

It must be considered that if one important industry of the commonwealth can thus be dominated by a monopoly, there is reason to believe that other industries are similarly in jeopardy.

This situation calls upon us to determine whether any relief can be afforded under the present law, and if not, what legislation may be enacted to meet the situation. I have invited the attention to this matter of the honorable attorney-general of the commonwealth. I enclose herewith copies of correspondence in which appear a statement of the situation, a request for his opinion and the attorney-general's opinion in reply thereto.

It appears from the letter of the attorney-general that all the law on the subject now in force has existed for at least three years; and yet although the monopoly complained of has been in operation throughout this time, no law officer of the commonwealth has yet taken any action whatever for the relief of the situation. It would seem reasonably clear, therefore, that unless the commonwealth is to admit that it is powerless to emancipate one of its principal industries from the grasp of monopoly, further legislation should be enacted, sufficiently effective to enable the commonwealth's law officers to bring some relief to the situation.

Furthermore, as you will observe, it is the opinion of the attorney-general that the determination of the common-

wealth's attitude toward monopoly is primarily for the legislature.

I submit this statement of the situation for your consideration and action.

[To the honorable senate and house of representatives, July 20, 1911.]

Herewith I return without my approval "A Resolve to provide for certain improvements at the Wrentham state school," and calling for an extra expenditure of \$79,600.

The special appropriation recommended to this legislature by the officials of this school amounted to \$122,100.

These appropriations were reported upon by Messrs. Harpham and Coe, as follows:—

"The appropriations requested are for the furtherance of a complete plan of buildings and ground layout. The institution is, in our judgment, well organized to take care of the additional growth that these buildings would make possible.

The children's building would cost more per capita than those for similar use now constructed and we can see no sufficient reason for the increase as the present buildings are well adapted to the patients' needs and are substantial in structure. Increased costs of building materials and labor do not account for all the increase. The same is true of the employees' home requested.

We could not see enough need for a carriage and tool house to warrant the expenditure of \$1,600.

Quoting from the last trustees' report:

The small amount of grading required, the easy excavations, the unlimited supply of stone, sand and gravel suitable for building purposes, the excellent water supply, *the facilities for disposing of sewage by gravitation*, furnish conditions that reduce the cost of construction to a minimum.

In view of these facts, and also that the institution has a large amount of inmate labor suitable to be used on construction of sewage beds and trenches, the request for \$13,000 for a sewage system is most decidedly unwarranted. The institution needs a sewage system, but when one of the other state institutions with over 200 inmates and with a small amount of patient labor constructed filtration beds, including 1020 feet of vitrified pipe, providing for 30,000 gallons of sewage per day, for less than \$1,000, to allow

this institution to spend \$13,000 for a sewage system would be a glaring example of extravagance."

After investigation I concluded that the costs of the buildings and construction work asked for in this appropriation were unwarrantably high and therefore declined to approve them.

The legislature, in now reducing the appropriation to \$79,600, has not sought to reduce these construction costs, but has only eliminated one of the three principal buildings asked for, and has sanctioned the erection of the remaining two at the originally estimated cost.

At present such costs are not on any sort of uniform basis, but vary widely among the various institutions. Failure on the part of the commonwealth in the past to systematize and properly limit these expenses should now be recognized. Competent and central financial supervision should be established over all building plans and estimates and over all parallel state expenses before further capital outlays are authorized.

Only by such means can the expenses of the state be brought down to anything like the scale of reasonable economy which would be followed in private practice.

I cannot approve the appropriation.

[To the honorable senate and house of representatives, July 20, 1911.]

Herewith I return without my approval "A Resolve to provide for certain improvements at the Boston state hospital," and calling for a special expenditure of \$166,875.

The recommendations made by the investigators, and the personal inspection which I have made of this institution, convince me that some of the requirements for which this extra appropriation is asked, can be met by a better utilization of the existing buildings, and, in other cases, new buildings, even if needed, can be built and ought to be built for less money.

In order to make these points more clear I quote as follows from the report of Messrs. Harpham and Coe, in relation to these special appropriations:—

" BOSTON STATE HOSPITAL.

The Boston state hospital is requesting \$166,875. The expenditure of \$6,000 for alterations in the south dormitory would improve the internal arrangement by changing

small rooms into an open ward, and make it possible to house 32 more patients. We believe this is a move in the right direction as it tends to utilize more fully the present buildings.

This winter the institution will open a large infirmary building for male patients, costing approximately \$275,000 and in order that this building may care for the maximum number of patients, it will be necessary to provide additional quarters for attendants. The present estimate of \$22,000 for a nurses' home, according to the plans, will accommodate only 33 nurses. This brings the per capita cost up to \$668. We believe that a building of a cheaper style of construction would be equally serviceable and the actual maintenance cost no greater.

That part of the farm group requested at this time comprises a central service building to cost approximately \$37,750, two dormitories which will accommodate 40 people each, at a total estimated cost of \$16,875 per dormitory, and a heating plant to cost approximately \$10,500.

The total expenditure requested at this time amounts to \$83,000.

The central service building is now 107 feet by 43 feet and has a basement, first and second floor and attic. In this building it is proposed to house 24 farm employees and provide dining rooms and day rooms for the farm colony. By consulting the plans we find that approximately 3100 square feet has been allotted to 2 dining rooms, a day room takes 1700 square feet, and an equal amount is to be used for cleaning and showers. The second floor will provide sleeping quarters for 24 farm hands, the average floor space per man being 160 square feet. The attic space is not used in any way, although slight alterations would make it serviceable for sleeping quarters. It is apparent that the floor space allowed is extravagant considering the number of people accommodated.

Although this institution has already two central heating and power plants, it is proposed to erect another complete boiler plant at a cost of \$10,500 to take care of the farm group. Inasmuch as this plant is to supply heat alone, we believe that an entirely separate boiler house is unnecessary and that much less expensive equipment would be adequate.

The two dormitories for this group seem to be economi-

cal as regards structure, but the farm group as a whole, in our opinion, represents too great an expenditure for the service rendered.

The 'service building,' comprising general store-rooms, cold storage and bakery, to cost \$42,000 would replace the general store-rooms in the basement of one of the present buildings and increase the present refrigerating facilities. In the present buildings there are a number of basements practically unused. If some of these rooms were remodeled they would be serviceable for a much greater storage space than is at present found necessary. Furthermore, the institution now puts up its own ice. By utilizing available basement space, ample cold storage could be provided. The fact that daily deliveries from Boston are possible makes extensive cold storage unnecessary. The proposed plant will be equipped with an ice machine costing \$6,500, and \$3,700 more is requested for piping and insulation of cold rooms. In this 'service building' about 3,000 square feet in the basement is to be used for vegetable storage. On the first floor, covering approximately 4,000 square feet, about one half the space is cold storage for meats, butter and eggs and the other half general storage. The second floor provides about 1,500 square feet for general storage and the rest of the floor is taken up by the bakery, receiving room and office. The fact that in this institution there is a great deal of basement room at present unused which is serviceable for storage and that the institution is already equipped *to cut and handle their own ice*, and further it is located *so close to the Boston markets*, leads us to conclude *that this expenditure is not warranted*.

Inasmuch as it is proposed to erect, at some future date, a power house at a different location, we do not believe it is good policy to install in the present plant, any more equipment than is absolutely necessary for the present demands.

The direct current generators in operation at this time are ample, but the cost of transmission lines from the main central power plant to out-lying buildings, would be greatly reduced by using alternating current. This economy could be accomplished by providing *one* alternating current generator. Reserve in case of break down could be supplied from a private concern. We suggest that the estimates and plans be revised showing the amount of

alternating current service required and the cost of installing one generator in the present power house."

I have already drawn the attention of the legislature to these reasonable suggestions for public economy, and I am still of the opinion that these proposed expenses have not been planned with due regard to a business-like efficiency and caution in the use of public funds. Hence, I cannot approve the appropriation at this time, but believe that first the buildings now in process of construction should be finished and put into use.

[To the honorable senate and house of representatives, July 21, 1911.]

I recently directed your attention to existing facts of common knowledge indicating the existence in this commonwealth of a monopoly of shoe machinery, the operations of which seem seriously to menace the public interests. I transmitted to you a letter of the attorney-general of the commonwealth giving his statement of the law now in force, and called attention to the fact that, although this law had been in force for a period of years, yet no law officer of the commonwealth apparently had found it efficient to check the operations of this monopoly. I invited you to consider whether legislation ought not to be enacted to meet this situation.

The suggestion has been made that a statute recently enacted, chapter 503 of the acts of 1911, which was not referred to in the letter of the attorney-general, sufficiently meets the situation.

It is clear, however, that this statute in no way provides either for the abatement of a monopoly or punishment of its promoters. It manifestly is intended not to provide any remedy for such a situation as that which I have outlined, but merely to provide a method of discovering whether a monopoly exists. The question as to which I asked the attorney-general's opinion, and to which I invited your attention, and the question which I deem it my duty again to urge for your consideration, is the question, whether, after a monopoly is discovered to exist, the present law of the commonwealth is sufficient to check its operations and punish its promoters?

It is clear that one thing or the other is true, either the law as it stands is insufficient, or the law officers of the

commonwealth have been and are remiss in the performance of their duty.

It is idle to state that there is a want of evidence. The facts are easily accessible to such as earnestly desire to secure them.

The actual state of things is so well described in a letter to me from a leading shoe manufacturer of the commonwealth, that I quote the letter in full, as follows:

THE COMMONWEALTH SHOE & LEATHER CO.,
BOSTON, July 19, 1911.

Hon. EUGENE N. FOSS, *Governor, State House, Boston, Mass.*

DEAR SIR:—I was very much interested in the article that appeared in the "News Bureau" Tuesday evening, July 18th, in reference to your message on the shoe machinery monopoly. It has been a source of wonder to me for some time, why the law officers of the state took no notice of the peculiar methods of this company.

An act was passed (Chapter 469 of the Acts of 1907) that was intended to relieve the shoe manufacturers of a part of this burden. The company very cleverly evaded it, and its operations since that time have been even more flagrant than before, and as conditions now stand, no shoe manufacturer making welt goods such as are now almost universally demanded, can turn a wheel or make a pair of shoes without subscribing to their system, and contributing an unreasonable sum to their profits.

I notice the attorney-general would like evidence. There is plenty of it to be had, and to the ordinary observer, it would seem as if the attorney-general was the man whose eyes should have been open, and who should have collected the evidence himself. I shall certainly be very glad to give you any assistance in this direction, if you feel called upon to gather evidence for yourself.

Yours very truly,

CHARLES H. JONES.

I suggest that you again consider whether the law as stated in the letter of the attorney-general is effective to meet the situation which exists.

[To the honorable senate and house of representatives, July 24, 1911.]

Herewith I return without my approval "An Act to regulate the production, sale and distribution of milk," and creating a new and permanent commission for this purpose.

Under this act the governor is to appoint a board of five men having sole power to enact laws regulating the pro-

duction, sale and distribution of milk. There is to be no appeal from their action, and the board is thus to be a legislative body with power to determine most important questions affecting the health of the community and one of its most important industries.

By this act an appointed board is to design and promulgate an entire code of laws under which the milk business is to be conducted, and from this decision there is no appeal.

To my mind it is absolutely wrong that the legislature should abdicate to an appointed board the making of laws and regulations which vitally affect the public health and an important industry.

I do not think the industries or the health of our community should be subjected to laws and regulations which are drawn up by a body of men having no authority from the people, which the legislature has not approved, which the governor has no power to veto, and in which the people as a whole have no voice.

Even if it were conceivable that such great powers should be delegated by the legislature to a board, it seems clear that such board having arbitrary powers over matters affecting so large a portion of the community should be within easy reach of the public demands. But the board as constituted by this act is practically autocratic.

There is a further objection to this act. The proposed board is to delegate the enforcement of its laws to the state board of health and the local authorities. The state board of health is abundantly qualified, in my judgment, to draw up any system of health regulation that may be desirable, yet under this act the board of health is given no voice in the matter, and has no power except to enforce whatever regulations the new commission may make.

Regulations drawn up by the proposed commission might be found impracticable or oppressive by the board of health, which, however, would have no power to modify them.

I am clearly of the opinion that the proposed plan has been misconceived. The state board of health represents the interests of the consumers, and the dairy bureau should fairly represent the milk industry. These are the boards which are concerned with the enforcement of milk laws, and they are, in my judgment, the proper authorities to be consulted, although even in such case their recommenda-

tions should be referred to the legislature before being enforced throughout the state.

Responsibility for law rests only with the legislature, which is responsible to the people. It cannot be shifted in the proposed manner to an appointed board in respect to matters which vitally affect the entire state. Still again it must be borne in mind that unwise legislation in the past is in large part responsible for the present rapid decline of the Massachusetts milk business. For example, under the present iniquitous transportation scheme large milk contractors are obtaining milk not from Massachusetts producers, but to a large extent from other states. To remedy this grave injury to an important Massachusetts industry rates should be drawn up and enforced, with the co-operation of the railroad commissioners, that will be fair to Massachusetts farmers.

To get a pure milk supply, it is necessary to stimulate the business within Massachusetts to a point where farmers will again come into the market with large daily shipments. Under those conditions it will be to their advantage to maintain clean dairies and conduct their business on a basis which will give them the largest price for the best product. With a small output, such measures do not appeal to them, and thus impure milk gets mixed with the general supply.

I am emphatically in favor of pure milk, produced in Massachusetts and sold at a price that is fair to both producer and consumer.

Such results are not to be looked for from a new commission. They can be produced by closer co-operation between the farmers, the state board of health and our agricultural department representing jointly the milk industry and the state as a whole.

By giving broader scope to these two departments, a satisfactory solution can be found. In view of all the facts I am unwilling to see this exceptionally ill-advised commission added to the long list with which the commonwealth is already overburdened.

[To the honorable senate and house of representatives, July 24, 1911.]

Herewith I transmit without my approval "A Resolve relative to the construction by the trustees of the Foxborough state hospital of a new hospital for dipsomaniacs", and calling for a special appropriation of \$114,000.

This appropriation is for the purpose of commencing operations on a new state institution for the care of inebriates.

The general policy of providing for inebriates under the supervision of the commonwealth is not in debate. The legislature is vested with the authority to continue such supervision as it so elects.

But I cannot endorse the proposed Foxborough project as I believe it represents an expense which is wholly without justification.

It is proposed to erect and equip an administration building and a cottage at an initial cost of \$100,000, and, meanwhile, to provide quarters on two separate farms in two remodelled farm buildings for thirty-two inebriates who are to cultivate these farms.

As between an institutional building and a group of small farm colonies I believe the latter represents by far the better policy.

Such farm colonies would seem to offer the best conditions for restoring the inebriates to self-respecting manhood and womanhood, and they ought to be nearly, if not quite, self supporting.

It is fair to say the project is founded on this belief and that the colony idea is to be extended in this instance. Yet the present request for money precludes the hope that such results are to be reached. The specifications filed with me comprise items of maintenance aggregating over \$10.00 per week for each inmate. While the legislature has slightly reduced this appropriation, the plan as a whole is not conceived on a scale which appears to include a reasonable regard for public economy.

Allowances might be made for a heavy initial maintenance, were it not that the present Foxborough institution is, and has been, one of the least economically administered of all our state institutions. Hence, it is necessarily concluded that the proposed inebriate institution and colonies would also represent excessive costs.

For example, the investment per patient at Foxborough, is \$1,280. This is greatly in excess of the investments at Taunton, Westborough, Northampton, Worcester and Medfield asylums, Gardner and Monson.

At Foxborough, the costs of administration are over \$44.00 per patient per annum as against \$19.70 at the Worcester hospital, \$21.00 at Northampton, \$23.50 at Danvers. Even the Boston hospital with its excessive costs comprises an item of only \$35.50 for administration.

At Foxborough the annual cost per patient is greatly in excess of the average of the other institutions under the state board of insanity. This average is \$90.00 per annum and the cost at Foxborough is \$112.00.

Furthermore, this proposed plan for inebriates is, in my judgment, an experiment, and as such, it appears to me to be most unwise to try this costly experiment at an institution which is signally marked for its high per capita costs.

The two farms, each with its nurses, attendants and domestic help, and together forming the nucleus of this experiment, would cost at the rate of \$14,000 for this year, and, in my judgment, this venture in itself would be a moderate one. In fact it would have been merely good business sense to establish one or both of these farms as proposed and give a year's time to testing the success of the colony plan for the inebriates.

Nevertheless, a request for institutional buildings with equipment aggregating \$100,000 is added on.

So far as I am concerned in the matter, the project must proceed more conservatively. Houses of low per capita cost should be provided and reasonable time given for a demonstration for the project on a small scale before it is placed on the larger basis which this resolve with its appropriation of \$114,000 contemplates.

[To the honorable senate and house of representatives, July 24, 1911.]

Herewith I return without my approval the act entitled "An Act relative to party enrolment under the laws providing for the direct nomination of candidates", which in fact provides that the enrolment existing under the previous joint primary act shall be continued.

For the first time in the history of the commonwealth a uniform method for the nomination of candidates of politi-

cal parties by direct vote has been provided. This was accomplished by the passage of what is now chapter 550 of the acts of 1911. By the terms of that act (Section 13) enrolment of all the voters in the primaries of any of the political parties is distinctly and clearly provided for.

There are 33 cities and 321 towns in the commonwealth. Out of that number 12 cities and 2 towns have an enrolment under the provisions of the joint primary act. In 319 towns and 21 cities no such enrolment exists.

I believe that it is most desirable that there should be a uniformity of system existing under this new legislation throughout the entire commonwealth.

I see no valid reason or excuse for excepting the 12 cities and 2 towns from the provisions for enrolment contained in the new direct primary law, especially as many of the enrolments in such cities and towns under the former act were made in town or municipal primaries in which no state issues were involved.

In my judgment it is better in the face of this new departure from existing political conditions, that all the voters of the commonwealth should start fresh and new and that an opportunity should be given to each voter in the commonwealth to enrol himself with whatever party he desires.

Returns relative to the acceptance or rejection of certain acts passed by the General Court, and referred to the voters, or to the city council of a city.

[Chapter 483, Acts of 1910.]

When received.	From Whom received.	Title of Act.	Date of Action.	VOTE.	
				Yes.	No.
1910.					
April 13	Town Clerk, West Bridgewater,	An Act to authorize the town of West Bridgewater to supply itself and its inhabitants with water. [Ch. 138.]	Mar. 21, 1910	140	103
May 5	Assistant City Clerk, Boston,	An Act to authorize the city of Boston to pay a sum of money to Mary A. Donovan. [Ch. 435.]	May 4, 1910	*	-
June 22	City Clerk, Holyoke,	An Act relative to the municipal election and the municipal year in the city of Holyoke. [Ch. 136.]	June 20, 1910	†	-
Aug. 10	City Clerk, Springfield,	An Act to authorize the park commissioners of the city of Springfield to grant certain rights and privileges in land under their control. [Ch. 507.]	Aug. 12, 1910	*	-
Nov. 11	City Clerk, Beverly,	An Act to revise the charter of the city of Beverly. [Ch. 542.]	Nov. 8, 1910	1,377	1,061
Nov. 15	City Clerk, Newton,	An Act relative to the school committee of the city of Newton. [Ch. 232.]	Nov. 8, 1910	3,194	892
Nov. 15	City Clerk, Newton,	An Act relative to the removal of certain officers of the city of Newton. [Ch. 557.]	Nov. 8, 1910	3,203	1,389
Nov. 18	City Clerk, Chelsea,	An Act relative to the police departments of the city of Chelsea and the town of Revere. [Ch. 444.]	Nov. 8, 1910	2,639	714
Dec. 12	Town Clerk, Revere,	An Act relative to the police departments of the city of Chelsea and the town of Revere. [Ch. 444.]	Nov. 8, 1910	1,439	297
Dec. 14	City Clerk, New Bedford,	An Act to provide for the retirement of members of the fire department of the city of New Bedford. [Ch. 196.]	Sept. 22, 1910	†	-
Dec. 15	City Clerk, Lynn,	An Act to revise the charter of the city of Lynn. [Ch. 602.]†	Oct. 11, 1910	4,650	2,374
Dec. 15	City Clerk, Malden,	An Act relative to Bell Rock Memorial Park in the city of Malden. [Ch. 205.]	Mar. 30, 1910	*	-
Dec. 19	City Clerk, Worcester,	An Act to provide that the term of office of the mayor of the city of Worcester shall be two years. [Ch. 239.]	Dec. 13, 1910	4,681	14,777
Dec. 19	City Clerk, Worcester,	An Act relative to the city council of the city of Worcester. [Ch. 250.]	Dec. 13, 1910	4,182	15,070
Dec. 23	Town Clerk, Millbury,	An Act to provide for a water supply for the town of Millbury. [Ch. 613.]	July 16, 1910	175	19

* Accepted by the city council.

† Accepted by the board of aldermen.

‡ Part I adopted.

CHANGE OF NAMES

CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the Revised Laws, chapter 154, section 14, the returns of the following Changes of Names have been received in the office of the Secretary of the Commonwealth, as decreed by the several Probate Courts of the Commonwealth in their respective counties: —

BARNSTABLE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1910.			
Feb. 8	Daniel Charles McCart,*	Daniel Charles Marston,	Medford.
16	*,	Nellie May Francis Dixon,	Barnstabile.
April 5	William Franklin Huntley, alias William F. Burgess,*	William Franklin Randall,	Falmouth.
July 12	Bertelle F. Worthing,	Frank Bertelle Worthing,	Chatham.
12	Elizabeth Beatrice Abbott, alias Phinney,	Elizabeth Beatrice Gibbs,	Bourne.
Oct. 4	Jessie Kelley,	Jessie Cowan,	Falmouth.

BERKSHIRE COUNTY.

Jan. 22	Frank S. Higham,*	Frank Stevens Pohorecki,	Great Barrington.
22	Helen M. Higham,*	Helen Mary Pohorecki,	Great Barrington.
28	George Christene Drostgard,*	George Einar Seasons,	North Adams.
Feb. 26	Florence Beatrice Andrews,*	Florence Beatrice Champagne,	North Adams.
Mar. 7	Mary Pratt,*	Mary Luella Holmes,	Lenox.
15	Loretta Holden,*	Loretta Roy,	North Adams.
17	Irene May Morissey,*	Irene May Walker,	North Adams.
April 5	James L. Scott,*	Floyd James Barber,	Hancock.
8	Blanche Regan,*	Blanche Kathleen Lyons,	North Adams.
27	Orila Therien,*	Orila O'Rell,	Williamstown.
May 10	Eunice B. Russell,*	Dorothy Irene Stevens,	North Adams.
27	Myron Whiting Cook,*	Myron Joseph Whiting,	Pittsfield.
July 8	Audrey Gertrude Hubbard,*	Audrey Gertrude Rice,	North Adams.
Aug. 8	Marion Elizabeth Stanard,*	Marion Elizabeth Anson,	Great Barrington.
Sept. 13	Gladys Louise Bentley,*	Gladys Bentley Carmel,	Hinsdale.
16	Gladys Ferry,*	Gladys Mae King,	Pittsfield.
16	Rose Kelly,*	Florence Helen Train,	Pittsfield.
Oct. 6	Richard E. Kent,*	Richard E. Kent Lucius,	North Adams.
Dec. 31	Claude A. Bardin,*	Claude A. Goodell,	Becket.

BRISTOL COUNTY.

Jan. 21	Howard Stevens Burns,*	Howard Sturgis Ireland,	Providence, R. I.
Feb. 4	Elizabeth Maloney,*	Frances Myrtle Carpenter,	Fall River.
18	Laura Cote,*	Laura Carrier,	Fall River.
18	Florida Charrette,*	Florida Carrier,	Fall River.
Mar. 18	Jim Karavona,*	John Peter Lores,	New Bedford.
April 15	Ethel Leaver,*	Ethel Hager,	Attleborough.
15	Edward Entwistal,	Edward McGowen,	New Bedford.
May 6	Marion Katzman,*	Marion Workoff,	Fall River.
13	Edith Dorothy Ertel,*	Rosanna Perry,	Boston.

* Changed by reason of adoption.

BRISTOL COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1910.			
June 3	Carl Anthony Ward,*	Carnig A. Marcarian,	Taunton.
3	Edith Levesque,*	Edith Day,	Fall River.
17	Annie L. Fairbairn,*	Annie L. Riley,	Taunton.
July 1	Marvis Alden Woodard,*	Marvis Alden Beaman,	Taunton.
1	Beatrice Sanspittier,*	Beatrice Leclerc,	Fall River.
Aug. 5	Theodore Chapman,*	Walter Nathaniel Anderson,	Somerville.
5	Imelda Dion,*	Imelda Arsenault,	Fall River.
5	Abraham Noger,	Abraham Nager,	Fall River.
Sept. 9	John Howard Staples,*	John Howard Moriarty,	Providence, R. I.
9	Mary Emeline Staples,*	Mary Moriarty,	Providence, R. I.
16	Thomas Logan,*	Kenneth Delano,	Dighton.
Oct. 7	Doris Beal,*	Doris Yates,	Fall River.
21	Sucy Palmer Livesey,	Sucy Palmer,	New Bedford.
Nov. 11	Dorothy Mackintosh,*	Dorothy Alice Seyboth,	Attleborough.
11	Philomene Ayotte,*	Rosalie Charland,	Attleborough.
18	Leslie K. DeLong,*	William Leslie Barlow,	Boston.
Dec. 2	Charles Andrew Duncan,*	Charles Andrew McLean,	Seekonk.
2	Lillian Coco or Koko,*	Dorothy Frances Angell,	Gardner.
2	Pauline Wilson,*	Pauline Josephine McWilliam,	Mansfield.
9	Eva May Howson,*	Eva May Greenwood,	New Bedford.

COUNTY OF DUKES COUNTY.

May 11	Ruth Jewett,	Ruth Lucas Look,	Tisbury.
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ESSEX COUNTY.

Jan. 3	Revaka Atune,*	Elpis Athanaseos Pappadopoulos,	Lynn.
3	Robert Rakowsky,	Robert Rogers,	Salem.
6	Cassie Horning,*	Flora Jenkins Whittier,	Lynn.
13	Arthur Labbe,*	Arthur Garrant,	Lawrence.
17	Rose Cullen,*	Myrtle Mary Brown,	Boston.
17	Ruth May Rash, otherwise called Ruth May Pringle,*	Ruth Elizabeth Campbell,	Boston.
27	Veronica Smith,	Mary Veronica Sheehan,	Manchester.
Feb. 3	Irene Frances McGuinness,*	Irene Frances Wilson,	Lawrence.
7	Josephine Marguerite Foster,*	Cora Ella Butrick,	Pembroke, N. H.
14	Harry Leroy Adams,*	Harry Leroy Foster,	Haverhill.
14	Madeline Kowolsky,*	Minnie Michalovitz,	Boston.
14	Rachel Shapiro,*	Rachel Salomon,	Boston.
14	Young Viktor Heikkila, otherwise Young Viktor Hendrickson, otherwise John Viktor Hend- rickson,*	John Victor Austin,	Gardner.
17	Lottie A. Dearborn,	Lottie Alice Ladd,	Newburyport.
21	Grace Bates,*	Helen Marston Rhodes,	Boston.
21	Katherine Deady,*	Leslie Margaret Spence,	Beverly.
28	Hortense McDonald,*	Hortense Mahoney,	Lawrence.
Mar. 3	Jennie F. Blood,	Jane Blood,	Lynn.
3	Dorothy I. Breyer,	Dorothy Irene Cormier,	Lynn.
3	Ellen Elizabeth Cowx,*	Ellen Elizabeth Brailsford,	Lawrence.
10	Mary Miettiner,*	Elsie Annie Lusmore,	Lawrence.
17	Charles Wesley Eaton,*	Charles Wesley Low,	Peabody.
21	Gladys May Hale,*	Gladys May Parker,	Saugus.
April 4	Anna Mary Aufort,*	Muriel Annette Underwood,	Cambridge.
4	Millicent Ivy Fane,*	Iva Florence Chase,	Boston.
4	Annie J. Melody,*	Pauline Bray,	New Bedford.
14	James Forrest Smart,*	James Forrest Smith,	Lawrence.
18	Samuel Edward Fox,	Samuel Edward Palmer,	Lynn.
25	June Bowen,*	June George,	Boston.
25	Henry Samuel Alpert,*	Henry Samuel Jones,	Danvers.

* Changed by reason of adoption.

ESSEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1910.			
May 2	Catherine Murphy,*	Catherine Russell,	Salem.
9	Margaret F. McNulty,*	Margaret Frances Moriarty,	Peabody.
9	Edwin Bowley Nichols,*	Edwin Bowley Whipple,	Salem.
12	Margaret Helen Griffin,*	Margaret Swift,	Salem.
16	Ruth Wall,*	Ruth Mildred Webster,	Lynn.
19	Stuart Glendye,*	Stuart Glendye Edington,	Lawrence.
19	Randolph Shattuck,*	George Andrew MacKeoun Musso,	Lynn.
23	Carrie P. Goodwin,*	Carrie Pauline Goodwin Nelson,	Georgetown.
23	Mary Elizabeth Carr,	Mary Elizabeth Dunn,	Newburyport.
23	Annie W. Wylie,*	Annie Wylie Taylor,	Boxford.
31	Faustina Clare Lufkin,*	Faustina Clare Wonson,	Gloucester.
June 5	William Dembofsky,	William Dane,	Salem.
6	Frank Palscrewski,	Frank Parks,	Lynn.
6	Celia Palscrewski,	Celia Parks,	Lynn.
6	Mary Palscrewski,	Mary Parks,	Lynn.
6	Annie Palscrewski,	Annie Parks,	Lynn.
6	Artena Celia Palscrewski,	Artena Celia Parks,	Lynn.
6	Frank John Palscrewski,	Frank John Parks,	Lynn.
6	Emma Foster Dingle,*	Emma Foster Hill,	Danvers.
6	Theresa Doe,*	Ethel May Littlefield,	Haverhill.
20	Dorothy Lucie Snow,*	Dorothy Lucie Smith,	Salem.
27	Mary Eileen O'Keefe,*	Irene Blanche La May,	Salem.
July 5	Donald Studley,*	Basil Studley Kinson,	Rockland.
14	Mary Owens,*	Mary Castle,	Methuen.
21	Fred Fay,*	Rudolph Alfred Burroughs,	Springfield.
25	Mellio Comeau,*	Nellie Julianne Gatro,	Lynn.
25	Mary Frances Jedrey,*	Joanna McCoubrey,	Gloucester.
Aug. 8	Lucy Adeline Arnott,*	Marion Adeline Miller,	Newburyport.
Sept. 6	Frederick Gordon Allen,*	Frederick Gordon Allen Foster,	Lynn.
6	Catherine McCarthy,*	Catherine Carroll,	Salem.
6	Byron Clifton Pillsbury,*	Byron Clifton Rogers,	Newbury.
12	— Johnson,*	Irving Franklin Lewis,	Leominster.
15	Violet Marie Maple,*	Violet Marie Perry,	Lynn.
Oct. 17	Sarah Y. De Normandie,	Sylvia Yardley DeNormandie,	Danvers.
20	Charles Leroy Jennings,*	Charles Leroy Jennings Ward,	Lawrence.
31	Edith Frances Graham,*	Doris Katherine Bushey,	Boston.
31	Ruth Beals,*	Ruth Alma Trautvetter,	Boston.
Nov. 14	Marion Eadie,*	Marion Birtles,	Boston.
14	Alice Dorothy Kenison,*	Marion Dorothy Haley,	Boston.
21	Samuel J. Conner,*	Clayton Frank Foster,	Lynn.
21	Ruth Keith,*	Rosalind Frances Newhall,	Clinton.
28	Jennie May Hannabell,	Jeannette May Hannabell,	Manchester.
Dec. 5	Florence Carrie May Hill,*	Florence Carrie May Hill Brann,	Nahant.
5	Mabel Frances Berwick,	Mabel Frances Currier,	Amesbury.
8	Ruth Jestine Richards,*	Ruth Jestine Nutter,	Peabody.
15	Edward Noonan,*	John Edward Beaton,	Newburyport.
22	Nancy Downs,*	Ethel Little Knight,	New York, N. Y.
29	Clarence Pillsbury,*	Clarence Pillsbury May,	Andover.

FRANKLIN COUNTY.

Feb. 1	Francis Joseph Casey,*	Francis Joseph Troka,	Greenfield.
15	Harriet Nelson Brown,*	Harriet Frances Kellogg,	Northfield.
May 17	Isabel Pease,*	Isabel O'Brien,	Bernardston.
17	Ralph Clark,*	Ralph Emmons Gould,	Montague.
17	Janet Andrews Homan,*	Janet Andrews Day,	Montague.
June 7	Margaret Pearl Snook,*	Margaret Pearl Richards,	Rowe.
21	Irene Ryan,*	Ruth Irene McNeil,	Buckland.
July 19	Harold Leonard Nilson,*	Harold Leonard Larson,	Orange.
Sept. 6	James Tyler,*	Walter Adelbert Bates,	Conway.
Oct. 28	Nathalie Mae Thorpe,*	Nathalie May Carr,	Northfield.
Nov. 15	Louis Henry Johnson,*	Louis Henry May,	Deerfield.
15	Josef Karabowski,*	Josef Rozicki,	Sunderland.

* Changed by reason of adoption.

HAMPDEN COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1910.			
Jan. 12	Agnes Dumais,*	Josephine May Donnelly,	Springfield.
Feb. 2	Charles Howard,*	Homer John Drumm,	Russell.
16	Waunita Evans Shaw,*	Zelda Frank Kenfield,	Chicopee.
Mar. 2	Marion Brooks,*	Marion Everline Cleaveland,	Springfield.
2	Bertha Louise Ellis,*	Ruth Opal Clark,	Springfield.
10	Harold Cook,*	Theodore Farnham Loeb,	Springfield.
16	Mary Geran,*	Mary Mildred Stroshine,	Holyoke.
April 20	Paul Schindler,*	Paul Preiss,	Holyoke.
May 4	Mabel Pierce,	Mabel Sanderson,	Springfield.
July 6	Doris Marie Bosley,*	Doris Marie Lesse,	Westfield.
6	Mary Morton,*	Vera Mildred Murray,	Lincoln, Vt.
20	Margaret Crane,*	Elizabeth Leonard Allen,	Holyoke.
20	Madeline Mary Ryan,*	Madeline Mary Long,	Springfield.
Sept. 7	Clifford E. McClintock,*	Harold Gordon Hawkins,	Westfield.
7	Hymon Sepovechky,	Hymon Lepovetsky,	Springfield.
7	Anna Alice Sartini,*	Anna Alice Lotti,	Holyoke.
7	Raymond Lloyd Smith,*	Raymond Lloyd Conley,	Springfield.
7	Charles Sweeney,*	Martin Rudolf Theuer,	Springfield.
Oct. 19	Beatrice Bailey,*	Barbara Katharine Legein,	Springfield.
19	Alfred Laing,*	Alfred Laing Ganahl,	Springfield.
19	Madeline Mary Long,*	Madeline Mary Ryan,	Springfield.
Dec. 7	Paul ———,	Paul Edwin Bull Levy,	Springfield.
7	Margaret White,*	Mary Emma Rhoads,	Springfield.
7	Albert Berard,*	Albert Roberts,	West Springfield.
21	Annie Dempsey,*	Anna Maria Conniff,	Westfield.

HAMPSHIRE COUNTY.

Mar. 1	Louise May Giles,*	Louise May Wright,	Chesterfield.
April 5	Alden Spellman,*	Alden Allen Mason,	Northampton.
May 10	Leslie P. Roche,*	Forrest Everett Graves,	Hatfield.
June 7	Marjorie Spellman,*	Marjorie Spellman Mason,	Northampton.
July 5	Ida Hoffman,*	Ida Charter,	Easthampton.
Sept. 6	Daniel Knott,*	Donald M. Gurney,	Cummington.
Oct. 4	Henrietta Abby Moreau,	Henrietta Abby Pettingill,	Cummington.
11	Francis Nutting, alias Joseph Francis Nutting, and Michael Francis Nutting,	Joseph Francis Nutting,	Easthampton.
Nov. 1	Clara Augusta Dorr,	Clara Augusta Harris,	Easthampton.
1	Irving Webber, sometimes known as Roscoe Irving Webber,	Roscoe Irving Webber,	Northampton.
9	Irene Maud Mullin,*	Irene Maud O'Connor,	Northampton.
Dec. 6	Herman W. Gaudette,*	Herman Wilfred Bidor,	Huntington.

MIDDLESEX COUNTY.

Jan. 5	Frederick Irving Denny,*	Frederick Irving Taylor,	Concord.
6	Sarah May Mohan,*	Sarah May Meteveal,	Stoneham.
11	Grace E. Sullivan,	Grace E. Hayward,	Newton.
11	Dorothy R. Sullivan,	Marjorie Hayward,	Newton.
17	Alice E. Gibson,*	Alice E. Allen,	Somerville.
20	Arthur Warren Emanuel Farrington,*	Arthur Warren Emanuel Con- nearney,	Somerville.
28	George Anson Dyer, Jr.,*	Edward Rowland Eaton,	Marlborough.
28	Hazel Alice Dyer,*	Hazel Geraldine Eaton,	Marlborough.
31	William Ray,*	Carl Newton Lang,	Newton.
Feb. 4	Michael E. Gordon,*	Edward Murray,	Boston.
7	Allan Gunnar Erikson,*	Allan Gunnar Granfelt,	Cambridge.

* Changed by reason of adoption.

MIDDLESEX COUNTY — Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1910.			
Feb. 17	Evelyn Walker,*	Barbara Newell,	Cambridge.
18	Henry K. Phelps,*	Charles Henry Kelsey,	Somerville.
28	Harriet Lilla Reed,*	Harriet Lillian Burnham,	Arlington.
Mar. 4	Howard William Rose,*	Howard William Wilson,	Lowell.
8	Minnie Mabel Johnson,*	Minnie Mabel Valentine,	Belmont.
8	Robert Samuel Kimball,	Robert Edes Kimball,	Newton.
14	Marie Lynskey,*	Margaret Mary White,	Boston.
29	Nathalie Ruth Mabel Smith,*	Nathalie Ruth Calnan,	Cambridge.
April 4	Eleanor May Edgecomb,*	Eleanor May Lyman,	Tewksbury.
4	Edward Golden,*	Edward H. Carter,	New York, N. Y.
4	Benjamin Herschcovitch,	Benjamin Hirsch,	Cambridge.
5	Eugene Alexander Crowee, alias Eugene Tippet,*	Eugene Alexander Tippet,	Cambridge.
5	Cecil Vincent Clark,*	Harry Vincent Travers,	Cambridge.
5	Iva Maud Gavel,*	Iva Gavel Corson,	Pleasant Valley, N.S.
5	Alexander Goldstein,	Alexander G. Gould,	Malden.
15	Emma Elizabeth Hearsey Beckett,	Emma Elizabeth Hearsey,	Somerville.
18	John Silas Rollins,	John Rollins Bailey,	Everett.
18	Mary Bailey Clisby,	Mary Etta Bailey,	Everett.
21	Mary E. Anderson,*	Mary Elizabeth Les Carbeau,	Cambridge.
25	Katherine Sangalier,*	Katherine Elizabeth Marhar,	Boston.
25	Alfred A. Jameson,	Alfred A. Clough,	Natick.
26	Otto Waldemar Swenson,	Waldemar Stewart,	Lowell.
27	John Lawrence White,*	John Lawrence Doucet,	Melrose.
May 4	Catherine Agnes Morgan,*	Catherine Agnes Shinnars,	Somerville.
4	Rosalie M. O'Connell,*	Alice Peterson,	Everett.
12	Audrey I. Richards,*	Audrey May Gilman,	Boston.
13	Alice Mary Marshall,*	Alice Mary Halligan,	Everett.
17	Mary Pauline Roche,*	Mary Pauline Vance,	Lowell.
17	Adeline Kaye,*	Adeline Bax,	Lowell.
18	Chester Ray MacDonald,*	Richard Henry Greilach,	Somerville.
19	Dorothy Bessie Eastman,*	Dorothy Bessie McLean,	Malden.
26	Georgiana Devlin,*	Georgiana Seeley,	Upton.
27	Mary Parry,*	Marion Emengene Burhoe,	Marlborough.
27	Edith Simpson,*	Edith Mildred Hansen,	Everett.
June 1	Mary Ellen Slocum,*	Nettie Talbot Stevens,	Walpole.
2	Peter Robert Henry,	Robert Henry,	Waltham.
3	Philys Ruth Hamm,*	Philys Ruth McQuinn,	Boston.
3	Brenton Smith,*	Roy Brenton McAloney,	Somerville.
8	Frances Morris,*	Margaret Le Clear,	Newton.
24	Florence E. Tyler,	Florence E. Plummer,	Winchester.
27	Walter Scott,	Walter Tarbox,	Malden.
29	Mary Zozosky,*	Frances Catherine Fielding,	Somerville.
29	Evelyn Kiesling,*	Evelyn Hopf,	Natick.
July 1	Marguerite Burgess,*	Margaret Burgess Ives,	Malden.
11	Eleanor Adams,*	Claire Rucker,	Boston.
11	Carroll Joseph Bagley, alias Carroll Toole, alias O'Toole,*	Joseph Carroll Murphy,	Methuen.
11	Frederick B. Barham,*	Frederick Barham White,	Somerville.
11	Geraldine Frances St. Germain,*	Geraldine Pronovost,	Hopkinton.
11	Walter L. Cate,*	Walter Leon O'Neill,	Malden.
11	Davis T. Tanton,	Davis Thomas Taunton,	Cambridge.
19	Harry Stanley Lawrance,*	Harry Lawrance Wheeler,	Lowell.
19	Frederick Joseph Corcoran,*	Francis Joseph Newman,	Boston.
19	Bismarck Henderson,	Bismarck Stanwood Henderson,	Winchester.
25	Margarite Josephine Foss, alias Marguerite Andrews,*	Marguerite Eugenia Bull,	Ipswich.
25	Nora Riordan,*	Myrtle Nora Leavitt,	Weymouth.
26	Paul Vincent Anderson,*	Edward Paul Hayes,	Newton.
27	Bertha Russell Bettle,*	Bertha Russell Kelley,	St. John, N. B.
Sept. 12	Alice Lenor Olson,*	Alice Lenor Brinck,	Wakefield.
13	George Sweetser,*	George Sullivan,	Winchester.
15	Virginia Spindel,*	Virginia Blakeslee,	Boston.
16	Milton Leroy Shepherd,*	Kely Walter Foster,	Waltham.
16	Raymond Wentworth Wills,*	Charles Malcolm Ray,	Newton.
19	Richard Barry,*	Richard Wallace Chapman,	Boston.
20	Joseph Ovila Arthur Brunelle,*	Joseph Ovila Arthur Coté,	Lowell.
20	Yervant Hentigian,*	Higaser Gurinian,	Lawrence.

* Changed by reason of adoption.

MIDDLESEX COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1910.			
Sept. 22	Edgar Lawrence Crockett,*	Edgar Lawrence Myers,	Arlington.
22	Francis Shaughnessy,*	Herbert Francis Wilson,	Waltham.
23	Elizabeth Morris,*	Helen May Baker,	Somerville.
23	Francis Doherty,*	Francis Muse,	Wakefield.
26	Emma Theodora Armstead,*	Emma Theodora Wildes,	Belmont.
27	Lester Gordon Thompson,*	Lester Haley Quincy,	Cambridge.
Oct. 4	Gladys Mason,*	Virginia Remington,	Newton.
11	Albert Lawrence Mills,*	Leslie Lawrence Crosby,	Waltham.
13	Patrick Joseph Francis Higgins,	Joseph Francis Higgins,	Waltham.
14	Eskil Morberg,*	Lars Eskil Hedlund,	Cambridge.
18	George Francis Huxley,*	Wallace Bingham Dickey,	Dracut.
24	Harry Stanley Eycklebock,	Harry Stanley Meyer,	Malden.
24	David N. Talenbloom,	David N. Tallen,	Lowell.
26	Faith Morris,*	Marcia Beatrice Collins,	Norfolk, Va.
26	William Henry Schoelch,	William Henry Davis,	Melrose.
28	Frances Josephine Murray*,	Katherine Moran,	Boston.
31	Joseph Walsh,*	Joseph Collins,	Malden.
Nov. 3	Andrew Onukewicz,	Andrew G. Binder,	Lowell.
7	Benjamin Finkelstein,	Benjamin Finn,	Malden.
8	Harry Emerson Tarbox, also called Harry Emerson Heath and How- ard Long,*	Howard Long,	Belmont.
9	Carrie Emerson Sternberg,*	Carrie Emma Stewart,	Somerville.
14	Howard H. Holshanetzky,	Howard H. Holis,	Malden.
14	Francis Holshanetzky,	Francis Holis,	Malden.
14	Naomi Holshanetzky,	Naomi Holis,	Malden.
14	Julius Holshanetzky,	Julius Holis,	Malden.
14	Rebecca Holshanetzky,	Rebecca Holis,	Malden.
14	Gladys Marie Connolly,*	Gladys Marie Dawson,	Revere.
16	Charles George Keshenofsky,	Charles George Keshen,	Cambridge.
17	Helen Kelleher,*	Helen Canny,	Medford.
25	Mary Agnes Harrell,*	Mary Agnes Durant,	Boston.
25	Charles D. Harrell,*	Charles Durant,	Boston.
29	Frank Forsyth,*	Franklin Eldridge Moore,	Arlington.
29	Evelyn Fontaine Kelley,	Evelyn Fontaine Whitney,	Natick.
Dec. 1	Ethelyn May Smith,*	Ethelyn May Curtis,	Waltham.
6	Louise Frances Littlefield,*	Louise Walsh,	Medford.
6	Eugene Reid Davis,	Eugene Tyler Davis,	Cambridge.
9	Lewis Farrell,*	Lewis Sullivan,	Wakefield.
12	Lena Rosetta Hale,*	Lena Hale Bancroft,	Reading.
15	Edward Clay Eaton, alias Edward Clay Watson,*	Edward Polano,	Boston.
20	Dora Grindrod,*	Dora Yates,	Billerica.
21	Dorothy Mary Shaw,*	Doris Mary Munroe,	Somerville.
28	Theodore George Webster,*	Theodore Richardson,	Malden.
29	John Burke,*	John Lester Arnold,	Lexington.
30	Mary Feeney,*	Dorothy May La Chance,	Reading.

NORFOLK COUNTY.

Jan. 5	Daisy Sophie Conrad,	Margaret Sophie Conrad,	Brookline.
5	Teckla Henrietta Wilhelmina Johansson,*	Teckla Henrietta Wilhelmina Hallén,	Dedham.
Feb. 16	Margaret Bean,*	Alice Margaret Peterson,	Needham.
23	Josephine B. Clark,*	Josephine Bates Scott,	Braintree.
Mar. 23	Robert O'Brien,*	Robert McAuliffe,	Hyde Park.
April 6	Marion Barbara Ciriack,*	Marion Ciriack Martin,	Dedham.
13	Mary Cordock,*	Mary Clark,	Brookline.
13	Russell Rosborg,*	Russell Rosborg Oster,	Quincy.
20	Frank Elmer Wilson,	Leander Edwin Weeks,	Bellingham.
May 4	Stella Bailey,*	Stella Miriam Johnson,	Walpole.
4	Walter R. Harback,*	Walter Raymond Cleveland,	Franklin.
11	Catherine Riley,*	Hazel May Gerrior,	Quincy.
July 13	James Stewart,*	James Stuart Wilscher,	Quincy.
20	Ruth W. Brooks,*	Ruth Wilder Brooks,	Brookline.

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NORFOLK COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1910.			
Sept. 21	Hazel May (or Mae) Grant,*	Hazel Grant Moseley,	Dedham.
28	Frances Taylor,*	Lahja Frances Sainio,	Norwood.
Oct. 19	Reuben Ferdinand Svensson,	Reuben Ferdinand Lambert,	Walpole.
19	David Johan Svensson,	David Johan Lambert,	Walpole.
Nov. 2	Annie Fortt,*	Annie Fortt Lowe,	Dedham.
2	William Roberts,*	Robert Butler,	Medway.
9	Harold Marshall,*	Kenneth Hall Simonds,	Milton.
Dec. 7	Ellen E. Gallagher,*	Ellen Elmira Reed,	Quincy.
14	John Enos Francis Fratus,	John Enos Francis,	Cohasset.
14	Louise Mulvey Fratus,	Louise Mulvey Francis,	Cohasset.
14	Ignatius Francis Fratus,	Ignatius Francis,	Cohasset.
14	Eleanor Francis Fratus,	Eleanor Francis,	Cohasset.

PLYMOUTH COUNTY.

Jan. 10	Margaret Annie Walsh,*	Margaret Annie Barry,	Brockton.
10	Pearl M. Burrell,	Pearl M. Ward,	Abington.
24	Elsie May Brewer,*	Elsie May Washburn,	Pembroke.
Feb. 14	Lewis Arthur Burns,*	Lewis Arthur Duntley,	Whitman.
28	Madeline Frances Smith,*	Madeline Frances French,	Brockton.
28	William L. McFarland,	William Leonard Blanchard,	Rockland.
28	Clara Germaine,*	Clara Kelliher,	Brockton.
28	Donald Hunt,*	Donald Burnham Yorke,	West Bridgewater.
Mar. 14	George Mistler,*	George Gauquier,	Kingston.
14	Antone Mistler,*	Antone Gauquier,	Kingston.
28	Olive Gertrude Trommer,*	Olive Drummond Welton,	Lisbon, N. H.
28	Harriett MacCoull,*	Harriett Roderick,	Brockton.
April 11	Frederick Lexstrom,*	Frederick Burnham Short,	Walpole.
25	Gertrude McNulty,*	Genevieve Campbell,	East Bridgewater.
May 23	Stephena Rose West,*	Stephine Rose Price,	Plymouth.
23	Alice B. Downey,*	Alice B. Wilson,	Brockton.
June 13	Nettie Pearle Howard,*	Pearle Adeline Gale,	Brockton.
27	Violet Earle,*	Ida Melrose Rogers,	Hanover.
27	Mildred La Vallie,*	Madeline Dresser,	Abington.
27	John P. Bates,*	John P. Holt,	Whitman.
Sept. 12	Elizabeth Razzetto,*	Elizabeth Melick,	Plymouth.
26	Mattie Irene Esterbrooks,*	Mattie Irene Dawes,	Brockton.
Oct. 10	Lucy Adams Irons,*	Elizabeth Addie Hendershot,	Plymouth.
24	Joseph Leslie Macomber,*	Leslie Edward Blake,	West Bridgewater.
Nov. 14	Franke Louise MacKeen,	Esther Louise MacKeen,	Whitman.
28	Alice Veronica McCarthy,*	Eleanor Marion Jones,	Hingham.
28	Reuben Oscar Alton Wideen,*	Lawrence Oscar Swanson,	Brockton.
28	Joshua Bridges,*	James J. Wilmot,	Middleborough.
28	Bernice M. Larrow,*	Bernice M. Gibney,	Bridgewater.
Dec. 12	Mary Bennett,*	Meredith Grant Lewis,	Scituate.
27	Ruth E. Flannery,*	Ruth Marion Collins,	Brockton.
27	Florence Isabel Pinkham,*	Ray Florence Ellis,	Scituate.

SUFFOLK COUNTY.

Jan. 13	Lena Groginsky,	Lena Grow,	Boston.
13	Wm. Henry Perry,	Wm. Henry Prince,	Boston.
13	Anthony De Callo,*	Antonio La Torella,	Boston.
14	Mary E. Egan,*	Mary E. Collins,	Boston.
20	Maude Adams Litchfield,*	Myrtle Maud Kinsman,	Boston.
20	Benjamin Harry Greenblatt,	Benjamin Harry Green,	Boston.
20	Maurice F. Cohen,	Frank L. Browne,	Boston.
20	Louis Swirsk,	Louis Shuman,	Boston.
21	Jean E. E. Quinland,*	Margaret Elizabeth Legg,	Taunton.
27	Howard Henry Kuhn,*	Howard Henry Brewer,	Boston.
27	Hyman Silberberg,	Hyman Silberman,	Boston.
27	Beatrice M. Cram,	Beatrice M. Gallupe,	Chelsea.

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SUFFOLK COUNTY — Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1910.			
Jan. 27	Bernard Lipschitz,	Barnard Lipsett,	Boston.
27	Gladys Mabel Kuhn,*	Gladys Mabel Brewer,	Boston.
27	Hulda Frances Kuhn,*	Hulda Frances Brewer,	Boston.
Feb. 3	Charles B. Matusewich,	Charles B. Matthews,	Boston.
3	Harry Levine,	Harry Leven,	Boston.
3	Albert Kaminsky,	Albert Kaminsky Sheldon,	Boston.
3	Bessie Edisis,*	Bertha Bernson,	Boston.
3	Mildred Marie Matts,*	Mildred Marie Cooper,	Boston.
15	Frederic Rosenberg,	Edward Burton Clarke,	Boston.
17	Lempi Lyyli Bjorkbachan, alias Bjorbakka,*	Lillie Nowell,	Fitchburg.
17	Albert Turnbull,*	Albert Leonard Holt,	Boston.
17	Carpel Suchonitsky,	Charles Carp,	Boston.
17	Simon Ratkowsky,	Simon Rogers,	Boston.
17	Ellis Exner Lee,	Ellis Lee Clifford,	Boston.
17	Morris Harry Edelstein,	Harry Eddels,	Boston.
25	William John Brown,*	William John Fougere,	Boston.
28	Albert Earl Glennon,*	Albert Earl Thompson,	Boston.
Mar. 3	Louis Salcowitz,	Louis Salloway,	Boston.
3	George Rhind Joy,	Charles Rhind Joy,	Boston.
3	Lillian Lawler,*	Lillian Sullivan,	Boston.
4	— Appleton,	Clarence Sumner Thompson,	Boston.
4	Alfred James Conley, otherwise called Alfred J. Campbell,*	Alfred James Campbell,	Boston.
10	Etta Lillian Wilkes or Welch,	Edith May Strauss,	Boston.
10	Harris Moskovitz,	Harris Morse,	Boston.
10	Morris Moskovitz,	Morris Morse,	Boston.
10	Margaret Crane or Crean,*	Mary Manning,	Boston.
15	Zella White,*	Zella Mary Magdalene Veitch,	Boston.
17	Marjorie Eleanor Kenney,*	Marjorie Eleanor Kennedy,	Boston.
17	Francis Harris,*	Francis Connell,	Boston.
17	Aaron Stavisky,	James Aaron Palmer,	Boston.
17	Harry J. Solomon,	Harry Powers,	Boston.
17	Malcolm Vartan Malconian,	Malcolm Vartan Malcom,	Boston.
18	Marie J. Landry,*	Marie J. Dacey,	Boston.
21	Alice Elizabeth Keating,*	Alice Nora Lynam,	Boston.
24	Fenton J. Fitzpatrick,	Fenton J. Fitts,	Boston.
24	Isaac Sampson,	Irving Sampson,	Boston.
24	Patrick Francis Rooney,	Jos. P. F. Rooney,	Boston.
31	Emma L. Butler,*	Emma Louise Adams,	Boston.
April 1	Lillian Leary,*	Lillian Gonella,	Boston.
1	Mabel J. Leary,*	Mabel J. Gonella,	Boston.
1	John T. Leary,*	John T. J. Gonella,	Boston.
7	Florence Lily Rivett,	Florence Lily Sydney,	Boston.
7	Louis Francis Togna,	Louis Toleson Francis,	Boston.
7	Martha Emeline Griffith, alias Emma Griffith,	Martha Emeline Lillierap,	Boston.
14	Demitrios Athanas Danatches,	Constantine A. Young,	Boston.
18	Ruth M. Grifenhagen,*	Ruth Mary Brown,	Boston.
21	Lena Mae Reid,*	Marie Di Censo,	Boston.
21	Albion K. Call,	Albion K. Gordon,	Boston.
28	Ella Gertrude Weeks,	Ella Gertrude Morse,	Boston.
28	Abraham Opatowsky,	Abraham Pattow,	Boston.
May 5	Chester A. Rochford,*	Chester A. Henchey,	Boston.
5	Albert M. Janssen,	Albert M. Johnson,	Boston.
9	Joseph A. Daly,*	Luigi Tenore,	Boston.
12	Alonzo Newbert Smith,*	Alonzo Newbert Gilmore,	Boston.
12	Grace R. V. Smith,*	Grace Ruth Vickery Nickerson,	Boston.
12	Preston Alma Smith,*	Preston A. Gilmore,	Boston.
12	Joseph Peter Francis Kowalsky,	Joseph Francis Howard,	Boston.
12	William F. J. Kowalsky,	William F. J. Howard,	Boston.
19	Ethel H. Breen,*	Ethel Murphy,	Boston.
19	Maurice Kaganovsky,	Maurice Kaganofsky Cohen,	Boston.
19	Louis Ablovitch,	Louis Abbott,	Boston.
19	James Timothy O'Connor,*	James Francis Tyrrell,	Boston.
26	Geraldine Smith,*	Ruth Evelyn Bartlett,	Brockton.
26	Leo Murphy,*	Paul Kearns,	Boston.
26	Edward Hartwell Andrews,*	Edward Hartwell Beckwith,	Boston.

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SUFFOLK COUNTY — Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1910.			
May 26	Florence M. McDonald,*	Florence Charlotte Purcell,	Boston.
26	Evelyn May MacLean,*	Elizabeth May Johnson,	Boston.
31	Richard J. Willis,*	Richard J. Bergen,	Boston.
June 2	Jessie Heselton,*	Jessie Cyr,	Boston.
7	Edmund Coyne,*	Edmund Champagne,	Boston.
9	Abraham Edelevitch,	Abraham Levitch,	Boston.
9	Addie C. Jacobson,	Addie C. Sanborn,	Boston.
9	Samuel Beresofsky,	Samuel Berry,	Boston.
9	Ruth Best,*	Ruth Bird,	Boston.
10	Ethel Beatrice Holmes,*	Ethel Beatrice Adams,	Boston.
16	Caroline Mabel (Frost) Rust,	Mabel Chamberlain Rust,	Boston.
16	Mary E. Dolan,	Mary E. Campbell,	Revere.
16	Jessie Cummings,*	Jessie Cummings Blake,	Boston.
20	Matilda Shpaner, alias Spinner,*	Matilda Applebaum,	Boston.
22	Francis Gallagher,*	Francis Ciccarello,	Boston.
23	John Sullivan,*	John Bulmer,	Boston.
30	Elsie Marie Cooke,*	Alice Evelyn Jackson,	Boston.
30	Eleanora Poyhonen,*	Ruth Eva Benson,	Boston.
July 7	Samuel Hymen Lunskey,	Samuel Hymen Lewis,	Boston.
14	Henry Nowmisky,	Henry Norman,	Boston.
14	Solomon Kusminsky,	Simon B. Kumins,	Boston.
21	Hilda Murphy,*	Giovanna Campagna,	Boston.
21	Mabelle E. Mercer,	Muriel Adelaide Merriam,	Boston.
21	Walter Dineen,*	Joseph Gaudet,	Boston.
21	Albert H. McLeain,*	Albert Edmund Wallace,	Boston.
21	Joseph Kiernan,*	Joseph Ferdinand Bonnevier,	Boston.
22	Francis Gallagher,*	Francesco Ciccarello,	Boston.
28	Charlotte Monroe,*	Nancy Lucille Priest,	Boston.
28	Helen Davis,	Helen Louise Mowry,	Boston.
28	James Mace,*	Charles Bateman,	Boston.
Aug. 18	Eugene A. D. Laliberti,*	Eugene L. Coté,	Boston.
18	Ruth Walsh Bingham,*	Ruth Shea,	Boston.
18	Ralph Earl Remick,*	Clarence Earl Brooks,	Boston.
18	Alexander E. Saperstein,	Alexander E. Spear,	Boston.
18	Richmond Murphy,	Melvin Richmond,	Boston.
18	Israel Sacowitz,	Israel Stone,	Boston.
18	Henry E. Sacowitz,	Henry E. Stone,	Boston.
18	John Tyler Wheelwright,	John Brooks Wheelwright,	Boston.
18	Annie Louisa Buckley,*	Annie Briggeman,	Boston.
18	Doris Rose Devine,*	Doris Rose Monk,	Boston.
19	Patrick Edward Brigdale,	Edward Brigdale,	Boston.
Sept. 1	George Wilson,*	George Wilson Brown,	Boston.
1	Thelma Ruth Morgan,*	Thelma Ruth Thiesfeldt,	Boston.
1	Earle P. Bradford,	Earle P. Gibson,	Boston.
1	Paul Wilhelm Heuckendorff,	Paul Williams,	Boston.
1	Morris Abramovich,	Morris Adams,	Boston.
1	Leola Blanche Lehan,	Leola Blanche Wiles,	Boston.
1	Samuel W. Green,*	Stanley Bartington Broadbent,	Boston.
8	John Coyle,*	John Francis Cronin,	Boston.
15	Edward G. E. White,	Daniel Luther White,	Boston.
15	Wm. Joseph MacPherson*,	Burton Paul Bacheller,	Boston.
16	Edward Sinclair*,	Edwin Nicholas Batterton,	Boston.
19	Francis McKeown*,	Francis McGillvray,	Boston.
22	Benjamin Shillovitch,	Benjamin Wilson,	Boston.
22	George Alexis Pequignot,	George Alexis Peck,	Boston.
22	Jeremiah Northup Pequignot,	Jeremiah Northup Peck,	Boston.
22	Margherita Totino,*	Margherita Camarda,	Boston.
29	Mary Elizabeth Leary, alias Lary,*	Marie Driscoll,	Cambridge.
29	James Alexander Cox,	James Stewart Cox,	Boston.
29	Frederick Baranowsky,	Frederick Baranow,	Boston.
Oct. 6	Hymen Warsnofsky,	Hymen White,	Boston.
6	Ike Garmanic,	Israel Garman,	Boston.
13	Lillian Teele Seignious*,	Lillian Seignious Goodwin,	Boston.
13	William Walter Mann*,	Walter McAlvin,	Boston.
13	Rose Mary Roddis*,	Marion Rose Good,	Boston.
13	Anthony J. Leamey*,	John McLaughlin,	Boston.
17	Helen Griffin*,	Helen Carrie Savage,	Boston.
19	Joseph Ernest Ward*,	Joseph Ernest Sturgeon,	Boston.
20	Frederick H. Tehan*,	Frederick Wilhelm Lohmar,	Boston.

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SUFFOLK COUNTY — Concluded.

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1910.			
Oct. 20	Mary Rooney,*	Marion Alberta Wells,	Boston.
20	Gladys Lidia Luckey,*	Gladys Edwards,	Boston.
20	Paul Vincent King,*	Paul Vincent Foley,	Boston.
20	Elsie Coffey,*	Elsie Young,	Boston.
20	May Eunice Hammett,*	Mary Ellen Hutcheson,	Boston.
20	Alexander L. Goldstein,	Alexander L. Golden,	Boston.
21	Dorothy M. Mobly,*	Dorothy M. Garnett,	Boston.
24	Edieth Dorsey,*	Edieth Annette Jackson,	Boston.
26	Anna C. Murphy,*	Anna Catherine Bourque,	Boston.
27	Warren Faxon Whitcher,*	Warren Faxon Whittier,	Boston.
Nov. 3	Joseph Corcoran,*	Joseph Cater,	Boston.
3	Mary Elizabeth West,*	Louise Miriam DeAdder,	Boston.
3	Mary E. Bowen*,	Mary A. Walsh,	Boston.
3	Fred LeBlanc,	Fred White,	Boston.
3	Albert J. Leo Scott,*	Leo Brady,	Boston.
3	Harry Cohen,	Harry Silver,	Boston.
3	Helen Cecilia Scott,*	Helen Cecilia Brady,	Boston.
3	Marghretta Otis,	Marghretta Adams Otis,	Boston.
10	Clara Louise Foster,	Clara Louise Prescott,	Boston.
10	Charles Herschkowitz,	Charles Herscovitz,	Boston.
10	Albert G. Baranowsky,	Albert G. Baranow,	Boston.
10	Oscar Carlson,*	Oscar Longfellow Milmore,	Cambridge.
10	Dorothy Schaefer,*	Josephine Dorothy Burda,	New York, N. Y.
11	Gerald Francis McIntyre,*	Gerald Francis Mitchell,	Boston.
11	Elizabeth Calnan,*	Elizabeth Hayes,	Boston.
15	Henry William Schroeder,*	Henry William Sievers,	Boston.
17	Joseph Lawrence Bandiera,	Joseph Lawrence Flagg,	Boston.
17	John Edward Danelovitz,	John Edward Daniels,	Boston.
17	Samuel Rubinovitz,	Samuel Ruby,	Boston.
17	Isadore Urofsky,	Isadore Urrows,	Boston.
25	Irene Cunningham,*	Evelyn Christine Teeling,	Boston.
25	Verda A. Tucker,	Verda A. Smith,	Boston.
Dec. 1	Ellen Cronin, alias Ellen Murphy,*	Eileen Winifred Brennan,	Unknown.
1	Gregory Osgood,*	Robert Francis Cowen,	Lynn.
1	Lillian Hill,	Lillian Frances Hoag,	Boston.
1	Mary I. Flatley,	Marion McMillan,	Boston.
1	Stella Mary McKenney,	Mary E. Cullity,	Boston.
8	Jennie Svensson,*	Jennie Johnson,	Boston.
8	Julia McCarthy,*	Julia McGinley,	Boston.
8	Francesco Guidura,	Ralph William Carph,	Boston.
12	Joseph A. Danelovitz,	Joseph Abraham Daniels,	Boston.
12	Connie Walden,*	Dorris Grace Olney,	Boston.
12	Alex Roy,	James Alex Kennedy,	Boston.
15	Wolf Fullman,	William Franklin,	Boston.
15	William H. Gale,*	William Howard Harding,	Boston.
15	Margaret M. Coffey,*	Margaret Fitzgerald,	Boston.
15	Christina Woodbridge,*	Christina Sampson,	Boston.
15	Wolf Froomkin,	William Franklin,	Boston.
15	George H. Chester,*	George Harry Fowle,	Boston.
19	Rolf Helge Gulbrandsen,*	Rolf Helge Martens,	Boston.
22	Roberta R. Middleton,	Roberta R. Muth,	Boston.
22	Sarah E. Callahan,*	Sarah Elizabeth Flavin,	Boston.
22	Hannah L. Moulton,	Hannah Louise Margot,	Boston.
27	John J. Sponatski,*	John J. Benesh,	Boston.
29	Arthur K. Burgess,*	Arthur F. Conlon,	Boston.

WORCESTER COUNTY.

Jan. 7	Helen Winans,*	Helen Huntington,	Toledo, Ohio.
18	Moise Bergeron,	William Wilfred Smith,	Worcester.
18	Maud Bergeron,	Maud Smith,	Worcester.
24	Elizabeth May Coburn,*	Fay Louise Roberts,	Athol.
31	Doris Katherine Jones,*	Doris Evelyn Bond,	Worcester.
Feb. 11	Vasilios Konstantinos Pappandri-copoulos,	William Patterson,	Worcester.

* Changed by reason of adoption.

WORCESTER COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1910.			
Feb. 15	Charles Frothingham Leland, Jr.,	Charles Henry Leland,	Southborough.
15	Carl Adolphus Bottomly,*	Charles Bottomly Fitton,	Worcester.
23	Elinor Brown,*	Elinor LeRoy,	Worcester.
Mar. 1	Alexander Barrows,*	Alvin Barrows Swindell,	Oakham.
8	Arthur Whitney Head,	Arthur Head Whitney,	Fitchburg.
8	Dorothy Underwood,*	Dorothy Mildred Hendrickson,	Worcester.
9	Florence Mabel Rodgers,*	Florence Mabel Horton,	Leominster.
9	Erik Leander Rodman,*	Leander Gilbert Norman,	Fitchburg.
12	Leroy Henry Leggee,*	Leroy Leggee Holden,	Worcester.
17	Clarence Wells,*	George Dyer Wells,	Worcester.
18	Donald Culver Dumont,*	Donald Culver Ross,	Worcester.
29	Robert Charles Wilson,*	Robert Carl Dyer,	Worcester.
April 7	John Francis Bousquet,*	John Francis Forsythe,	Northbridge.
7	William Levi Bousquet,*	William Levi Forsythe,	Uxbridge.
11	Lillian Grace Avernia Bacon,*	Lillian Grace Vernia Veinot,	Worcester.
12	Andreas Belogianis,	Andrew Bell,	Worcester.
12	Johan Alfred Karlson,*	John Alfred Nevalainen,	Fitchburg.
13	Miriam Morris,*	Ruth Evelyn Walker,	Worcester.
15	Hattie Mabel Blake,*	Harriet Blake Coldwell,	Paxton.
15	Winthrop Ayotte,*	Winthrop Doane Goulding,	Worcester.
21	John Horace Warren,*	Homer Horace Tunncliffe,	Athol.
25	Alice Irene Searles,*	Bertha Irene Galipeau,	North Brookfield.
26	Frank Leland Barrett,	Frank Leland Gates,	Worcester.
May 9	Beatrice Ivy Dykes,*	Beatrice Ivy Wilker,	Ashburnham.
11	Oscar Frost, alias Oscar Carlson,*	Kenneth Woodbury,	Indianapolis, Ind.
20	Ethel Mary Wood,*	Mary Ethel Brewer,	Worcester.
June 4	Elliot Fields,*	Elliot Eli Alger,	Winchendon.
6	Thyra Hulda Linea Anderson,*	Thyra Hulda Linea Ericson,	Pawtucket, R. I.
7	Stuart Adams Crook,	Stuart Adams,	Worcester.
8	Ernest William Petterson,*	Ernest William Leamy,	Leominster.
9	Carrie Marcia Rokes,	Carrie Marcia Ames,	Northbridge.
15	Caroline Isabel Rogers,	Caroline Isabel Walker,	Brookfield.
July 13	Dorris Holland,*	Dorris Farrington,	Worcester.
19	Mildred May Bates,*	Mildred Crosby Bennett,	Leominster.
19	Harold William Price,*	Harvey Crossman Newell,	Uxbridge.
20	Ruth Gertrude Harriett Friden,*	Ruth Gertrude Ringdahl,	Worcester.
28	George Perry,*	George Lester Connell,	Worcester.
Sept. 7	Maud Elvira Moore,*	Maud Elvira Bowen,	Brookfield.
10	Leroy Frederick Shaffer,	Leroy Frederick Ford,	Hubbardston.
12	Mary G. Powers,*	Mary Lottie Murphy,	Upton.
13	Florence A. M. Casey,	Florence Vocelle,	Worcester.
13	Bertha Mulstay,	Bertha Walker,	Worcester.
14	Rodney Poland,	Rodney Frederick Poland,	Fitchburg.
16	Eli Leibowitz,	Samuel Eli Liebow,	Worcester.
20	James William Gambaccini,	James William Gambs,	Worcester.
21	Thomas Gambaccini,	Thomas Gambs,	Worcester.
27	John S. Nahigian,	John S. Tomajan,	Worcester.
27	William H. Nahigian,	William H. Tomajan,	Worcester.
27	Frances S. Nahigian,	Frances S. Tomajan,	Worcester.
Oct. 4	—,*	Elizabeth Alice Clark,	Fitchburg.
4	Mary Yourroski or Yauraskie or Zouroski,*	Mary Kukura,	Blackstone.
4	Hazel Penniman,	Hazel Houghton Penniman,	Worcester.
4	Henrietta Florence Barker,*	Marion Wood,	Holden.
8	Frederick Christian Doescher,	John Frederick Doescher,	Worcester.
19	Eugene Messier,	Eugene Mason,	Leominster.
19	Antonio Giambrocco,*	Antonio Romano,	Fitchburg.
20	Elenor Sawyer,*	Edna May Brown,	Princeton.
Nov. 1	Harry Wayne Remiley,	Harry Wayne Boutwell,	Worcester.
4	Charles Sanborn Lappage,	Charles Adams Sanborn,	Lunenburg.
15	Mary Norton,*	Mary Pelkey,	Milford.
17	Alie Karjalainen,*	Alice Esther Nelson,	Phillipston.
21	Raymond Everett Saveall,*	Arthur Raymond Parsons,	Templeton.
22	Albert Pursey Shales,	Albert Pursey Nicholson,	Worcester.
29	Hardy Turner Mobley,*	Hardy Thomas Perkins,	Worcester.
Dec. 15	Marion Estelle Young,*	Marion Estelle Baker,	Phillipston.
28	Joseph Romeo Gagnè,*	Joseph Romeo Chalifoux,	Fitchburg.

* Changed by reason of adoption.

THE
CIVIL GOVERNMENT
OF
The Commonwealth of Massachusetts,
AND OFFICERS IMMEDIATELY CONNECTED THEREWITH
FOR THE POLITICAL YEAR
1911.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY

EUGENE N. FOSS,

GOVERNOR.

DUDLEY M. HOLMAN *Private Secretary.*

EDWARD F. HAMLIN *Executive Secretary.*

HIS HONOR

LOUIS A. FROTHINGHAM,

LIEUTENANT GOVERNOR.

COUNCIL—(By Districts).

I.—CHARLES O. BRIGHTMAN New Bedford.

II.—J. STEARNS CUSHING Norwood.

III.—JOHN QUINN, JR. Boston.

IV.—WALTER S. GLIDDEN Somerville.

V.—WILLIAM H. GOVE Salem.

VI.—HERBERT E. FLETCHER Westford.

VII.—WINFIELD S. SCHUSTER Douglas.

VIII.—AUGUST H. GOETTING Springfield.

ALBERT P. LANGTRY,*

SECRETARY OF THE COMMONWEALTH.

ISAAC H. EDGETT, *1st Deputy.*

HERBERT H. BOYNTON, *2d Deputy.*

ELMER A. STEVENS,

TREASURER AND RECEIVER GENERAL.

HENRY S. BRIDGE, *1st Clerk.*

A. B. C. DEMING, *2d Clerk.*

WENDELL P. MARDEN, *Cashier.*

JOHN E. WHITE,†

AUDITOR OF THE COMMONWEALTH.

WILLIAM D. HAWLEY, *Deputy Auditor.*

JAMES POPE, *1st Clerk.*

CARL A. RAYMOND, *2d Clerk.*

JAMES M. SWIFT,

ATTORNEY-GENERAL.

FREDERIC B. GREENHALGE,

FRED T. FIELD,

ANDREW MARSHALL,

HENRY M. HUTCHINGS.

ASSISTANT ATTORNEYS-GENERAL.

LOUIS H. FREESE, *Chief Clerk.*

* Elected by the general court, April 26, 1911; to fill the vacancy in the office of secretary caused by the death of William M. Olin, who died April 15; qualified April 27.

† Elected by the general court July 6, 1911; to fill the vacancy in the office of auditor caused by the death of Henry E. Turner, who died June 29; qualified July 12.

LEGISLATIVE DEPARTMENT.

GENERAL COURT.

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1906.

SENATE.

President—ALLEN T. TREADWAY.

District.	Name of Senator.	Residence.
First Suffolk, . . .	Edward J. Grainger, . . .	Winthrop.
Second “ . . .	James A. Hatton, . . .	Boston.
Third “ . . .	Joseph P. Lomasney, . . .	Boston.
Fourth “ . . .	James H. Doyle, . . .	Boston.
Fifth “ . . .	George Holden Tinkham, . . .	Boston.
Sixth “ . . .	James F. Powers, . . .	Boston.
Seventh “ . . .	James P. Timilty, . . .	Boston.
Eighth “ . . .	Martin P. F. Curley, . . .	Boston.
Ninth “ . . .	Michael J. Murray, . . .	Boston.
First Essex, . . .	George H. Newhall, . . .	Lynn.
Second “ . . .	Arthur S. Adams, . . .	Marblehead.
Third “ . . .	James E. Tolman, . . .	Gloucester.
Fourth “ . . .	Arthur L. Nason, . . .	Haverhill.
Fifth “ . . .	Dennis E. Halley, . . .	Lawrence.
First Middlesex, . . .	Henry C. Mulligan, . . .	Natick.
Second “ . . .	Harry N. Stearns, . . .	Cambridge.
Third “ . . .	Charles V. Blanchard, . . .	Somerville.
Fourth “ . . .	Wilmot R. Evans, Jr., . . .	Everett.

District.	Name of Senator.	Residence.
Fifth Middlesex, . . .	Roger Sherman Hoar, . . .	Concord.
Sixth “ . . .	Charles H. Brown, . . .	Medford.
Seventh “ . . .	Frank P. Bennett, Jr., . . .	Saugus.
Eighth “ . . .	Joseph H. Hibbard, . . .	Lowell.
First Worcester, . . .	John H. Hunt, . . .	Worcester.
Second “ . . .	Daniel E. Denny, . . .	Worcester.
Third “ . . .	Levi H. Greenwood, . . .	Gardner.
Fourth “ . . .	Joseph S. Gates, . . .	Westborough.
Worcester and Hampden, .	Walter B. Mellen, . . .	Brookfield.
First Hampden, . . .	John F. Malley, . . .	Springfield.
Second “ . . .	Francis X. Quigley, . . .	Holyoke.
Franklin and Hampshire, .	John H. Schoonmaker, . .	Ware.
Berkshire, . . .	John H. Mack, . . .	North Adams.
Berkshire, Hampshire and Hampden.	Allen T. Treadway, . . .	Stockbridge.
First Norfolk, . . .	George L. Barnes, . . .	Weymouth.
Second “ . . .	Charles H. Pearson, . . .	Brockline.
First Plymouth, . . .	Melvin S. Nash, . . .	Hanover.
Second “ . . .	Roland M. Keith, . . .	Bridgewater.
First Bristol, . . .	Charles S. Chace, . . .	Dighton.
Second “ . . .	Joseph Turner, . . .	Fall River.
Third “ . . .	Samuel Ross, . . .	New Bedford.
Cape, . . .	John E. White,* . . .	Tisbury.

* Resigned July 12; elected auditor of the commonwealth July 6; to fill the vacancy in said office caused by the death of Henry E. Turner.

HENRY D. COOLIDGE, *Clerk.*

EDWARD A. HORTON, *Chaplain.*

THOMAS F. PEDRICK, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker — JOSEPH WALKER.

COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1, . . . {	Edward C. R. Bagley, . . Theodore L. Sorenson, . .	Boston. Boston.
2d,	Boston, Ward 2, . . . {	Michael J. Brophy, . . Dennis A. O'Neil, . .	Boston. Boston.
3d,	Boston, Ward 3, . . . {	James J. Brennan, . . William J. Murray, . .	Boston. Boston.
4th,	Boston, Wards 4 and 5, {	James H. Brennan, . . Patrick B. Carr, . . James I. Green, . .	Boston. Boston. Boston.
5th,	Chelsea, Wards 1 and 2,	Louis R. Kiernan, . .	Chelsea.
6th,	Boston, Ward 6, . . . {	Francis D. O'Donnell, . . Alfred P. Scigliano, . .	Boston. Boston.
7th,	Boston, Ward 7, . . .	William A. H. Crowley,	Boston.
8th,	Boston, Ward 8, . . . {	Adolphus M. Burroughs, Martin M. Lomasney, . .	Boston. Boston.
9th,	Boston, Ward 9, . . . {	Daniel L. Connolly, . . Joseph Leonard, . .	Boston. Boston.
10th,	Boston, Ward 10, . . . {	Channing H. Cox, . . David T. Montague, . .	Boston. Boston.

COUNTY OF SUFFOLK — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	Boston, Ward 11,	Courtenay Crocker, Grafton D. Cushing,	Boston. Boston.
12th,	Boston, Ward 12,	George T. Daly, James J. Murphy,	Boston. Boston.
13th,	Boston, Ward 13,	William L. V. Newton, William J. Sullivan,	Boston. Boston.
14th,	Boston, Ward 14,	Thomas J. Casey, William P. Hickey,	Boston. Boston.
15th,	Boston, Ward 15,	Francis L. Colpoys, Michael J. Reidy,	Boston. Boston.
16th,	Boston, Ward 16,	John F. McCarthy, John D. McGivern,	Boston. Boston.
17th,	Boston, Ward 17,	Francis J. Brennan, John D. Connors,	Boston. Boston.
18th,	Boston, Ward 18,	Daniel F. Cronin, Michael F. O'Brien,	Boston. Boston.
19th,	Boston, Ward 19,	Timothy J. Ahern, James McInerney,	Boston. Boston.
20th,	Boston, Ward 20,	James F. Eagan, Louis A. Foley, James A. McElaney, Jr.,	Boston. Boston. Boston.
21st,	Boston, Ward 21,	John Carr, James T. Kenney,	Boston. Boston.
22d,	Boston, Ward 22,	James F. Griffin, James P. Maguire,	Boston. Boston.
23d,	Boston, Ward 23,	John J. Conway, William M. McMorrow,	Boston. Boston.
24th,	Boston, Ward 24,	Charles L. Carr, Thomas P. Curtin, James A. Hart,	Boston. Boston. Boston.
25th,	Boston, Ward 25,	Thomas F. J. Callahan, Allen Clark,	Boston. Boston.

COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
26th,	Chelsea, Wards 3, 4, .	Melvin B. Breath, . .	Chelsea.
27th,	{ Chelsea, Ward 5, . } { Revere, . . . } { Winthrop, . . . }	Hugh M. McKay, . . Alfred Tewksbury, . .	Revere. Winthrop.

COUNTY OF ESSEX.

1st,	{ Amesbury, . . . } { Merrimac, . . . }	Samuel I. Collins, . .	Amesbury.
2d,	Haverhill, W'ds 1, 2, 3,	James H. Fitzgerald, .	Haverhill.
3d,	Haverhill, Wards 4, 6,	Henry G. Wells, . .	Haverhill.
4th,	Haverhill, Ward 5, .	Charles H. Morrill, . .	Haverhill.
5th,	{ Lawrence, Wards 1, 2, } { Methuen, . . . }	John C. Sanborn, . . Frederick W. Schlapp, .	Lawrence. Lawrence.
6th,	Lawrence, Wards 3, 4,	Eugene A. McCarthy, Jr.,	Lawrence.
7th,	Lawrence, Ward 5, .	Charles H. Morgan, . .	Lawrence.
8th,	Lawrence, Ward 6, .	William J. Graham, . .	Lawrence.
9th,	Andover, . . .	Harry M. Eames, . .	Andover.
10th,	{ Boxford, . . . } { Groveland, . . . } { Haverhill, Ward 7, . } { North Andover, . . }	William Halliday, . .	North Andover.
11th,	Peabody, . . .	Charles R. O'Connell, .	Peabody.
12th,	{ Lynn, Ward 3, . . } { Swampscott, . . . }	John Henry Cogswell, . Martin Lewis Quinn, .	Lynn. Swampscott.
13th,	{ Lynn, Wards 1, 5, 7, . } { Lynnfield, . . . }	Francis M. Hill, . . William S. Hoyt, . .	Lynn. Lynn.
14th,	{ Lynn, Wards 2, 4, . } { Nahant, . . . }	Frank W. Atkins, . . Arthur Bogue, . .	Lynn. Lynn.
15th,	{ Lynn, Ward 6, . . } { Saugus, . . . }	Michael H. Cotter, . . Herbert M. Forristall, .	Lynn. Saugus.

COUNTY OF ESSEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
16th,	Marblehead, . . .	John G. Stevens, . . .	Marblehead.
17th,	Salem, Wards 1, 2, .	James D. Burns, . . .	Salem.
18th,	Salem, Wards 3, 5, .	Lyman E. Hurd, . . .	Salem.
19th,	Salem, Wards 4, 6, .	Michael Kelly, . . .	Salem.
20th,	{ Beverly, } { Danvers, }	Herman A. MacDonald, . John L. Saltonstall, .	Beverly. Beverly.
21st,	{ Gloucester, Wards 4, 5, } { 8, } { Manchester, . . . }	H. Bert Knowles, . . .	Gloucester.
22d,	{ Gloucester, Wards 3, 6, } { 7, }	George A. Ricker, . . .	Gloucester.
23d,	{ Gloucester, Wards 1, 2, } { Rockport, }	Charles E. Elwell, . . .	Rockport.
24th,	{ Essex, } { Hamilton, } { Ipswich, } { Middleton, } { Rowley, } { Topsfield, } { Wenham, }	C. Augustus Norwood, .	Hamilton.
25th,	{ Newburyport, Wards 1, } { 2, 3, 4, }	Clarence J. Fogg, . . .	Newburyport.
26th,	{ Georgetown, } { Newbury, } { Newburyport, Wards 5, } { 6, } { Salisbury, } { West Newbury, . . . }	Albert C. Reed, . . .	Georgetown.

COUNTY OF MIDDLESEX.

1st,	{ Cambridge, Wards 1, } { 2, 3, }	Joseph J. Reed, . . . Thomas Ryan, . . .	Cambridge. Cambridge.
2d,	{ Cambridge, Wards 4, } { 5, 6, 7, }	James W. Bean, . . . Harry A. Penniman, . Charles J. Wood, . . .	Cambridge. Cambridge. Cambridge.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Cambridge, Wards 8, { 9, 10, 11, . . . }	Russell D. Crane, . . George L. Dow, . . Russell A. Wood, . .	Cambridge. Cambridge. Cambridge.
4th,	Newton, . . . {	Henry E. Bothfeld, . . George H. Ellis, . . Thomas W. White, . .	Newton. Newton. Newton.
5th,	Waltham, . . . {	Nathan A. Tufts, . . Robert N. Turner, . .	Waltham. Waltham.
6th,	Natick,	Michael F. McGrath, . .	Natick.
7th,	Framingham, . . .	David C. Ahearn, . . .	Framingham.
8th,	{ Ashland, } { Holliston, } { Hopkinton, } { Sherborn, }	Daniel P. Day,	Hopkinton.
9th,	Marlborough, . . .	Charles F. McCarthy, . .	Marlborough.
10th,	{ Boxborough, } { Hudson, } { Maynard, } { Stow, }	George W. W. Edson, . .	Stow.
11th,	{ Acton, } { Ayer, } { Carlisle, } { Chelmsford, } { Littleton, } { Westford, }	Edward Fisher,	Westford.
12th,	{ Ashby, } { Dunstable, } { Groton, } { Pepperell, } { Shirley, } { Townsend, } { Tyngsborough, }	David H. Damon,	Ashby.
13th,	{ Bedford, } { Concord, } { Lincoln, } { Sudbury, } { Wayland, } { Weston, }	Waldo L. Stone,	Sudbury.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
14th,	{ Dracut, . . . } Lowell, Ward 1, . }	George H. Stevens, .	Dracut.
15th,	Lowell, Ward 2, .	Dennis A. Murphy, .	Lowell.
16th,	Lowell, Wards 4, 5, .	Eugene F. Toomey, .	Lowell.
17th,	Lowell, Wards 3, 6, 7, {	Erson B. Barlow, . .	Lowell.
		George E. Marchand, .	Lowell.
18th,	Lowell, Ward 8, .	Charles T. Killpartrick, .	Lowell.
19th,	{ Billerica, . . . } Lowell, Ward 9, . }	Thomas S. Cuff, . .	Lowell.
	{ Tewksbury, . . }		
20th,	{ Burlington, . . . } North Reading, . . }	Herbert N. Buck, . .	Wilmington.
	{ Reading, . . . }	Joseph H. Parker, Jr. .	Woburn.
	{ Wilmington, . . }		
	{ Woburn, . . . }		
21st,	Wakefield, . . .	Charles A. Dean, . .	Wakefield.
22d,	Melrose, . . .	Arthur S. Davis, . .	Melrose.
23d,	Malden, . . . {	Alvin E. Bliss, . .	Malden.
		Charles M. Blodgett, .	Malden.
		Truman R. Hawley, .	Malden.
24th,	Everett, . . . {	James F. Cavanagh, .	Everett.
		Fred P. Greenwood, .	Everett.
25th,	{ Somerville, Wards 1, {	William M. Armstrong, .	Somerville.
	{ 3, 4, 5, . . . }	Ray R. Rideout, . .	Somerville.
		Charles L. Underhill, .	Somerville.
26th,	{ Somerville, Wards 2, {	Zebedee E. Cliff, . .	Somerville.
	{ 6, 7, . . . }	Leon M. Conwell, . .	Somerville.
		Charles W. Eldridge, .	Somerville.
27th,	{ Medford, Wards 3, 6, . }	Wilton B. Fay, . .	Medford.
	{ Winchester, . . . }		
28th,	{ Medford, Wards 1, 2, }	Benjamin F. Haines, .	Medford.
	{ 4, 5, 7, . . . }		

COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
29th,	{ Arlington, . . . } { Lexington, . . . }	John G. Brackett, . .	Arlington.
30th,	{ Belmont, . . . } { Watertown, . . . }	James H. L. Coon, .	Watertown.
31st,	Stoneham, . . .	Joseph W. Holden, .	Stoneham.

COUNTY OF WORCESTER.

1st,	{ Athol, . . . } { Dana, . . . } { Petersham, . . . } { Phillipston, . . . } { Royalston, . . . }	Merrick E. Hildreth, .	Petersham.
2d,	{ Ashburnham, . . . } { Gardner, . . . } { Templeton, . . . } { Winchendon, . . . }	Wendell P. Clark, . . Charles N. Edgell, .	Winchendon. Gardner.
3d,	{ Barre, . . . } { Holden, . . . } { Hubbardston, . . . } { Oakham, . . . } { Princeton, . . . } { Rutland, . . . } { Sterling, . . . } { Westminster, . . . }	William H. Wheeler, .	Hubbardston.
4th,	{ Brookfield, . . . } { Hardwick, . . . } { New Braintree, . . . } { North Brookfield, . . . } { Warren, . . . } { West Brookfield, . . . }	Eli M. Converse, . .	W. Brookfield.
5th,	{ Charlton, . . . } { Southbridge, . . . } { Sturbridge, . . . }	Wilfrid J. Lamoureux, .	Southbridge.

COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Auburn, . . . } Leicester, . . . Paxton, . . . Spencer, . . . }	Alfred Arseneault, . .	Spencer.
7th,	{ Dudley, . . . } Oxford, . . . Webster, . . . }	Lawrence J. Dugan, . .	Webster.
8th,	{ Blackstone, . . . } Douglas, . . . Grafton, . . . Millbury, . . . Shrewsbury, . . . Sutton, . . . Uxbridge, . . . }	Edward N. Jenckes, . . John F. Meaney, . .	Douglas. Blackstone.
9th,	{ Hopedale, . . . } Mendon, . . . Milford, . . . Northbridge, . . . Upton, . . . }	William R. Burke, . . Edwin F. Lilley, . .	Milford. Milford.
10th,	{ Berlin, . . . } Bolton, . . . Boylston, . . . Clinton, . . . Northborough, . . . Southborough, . . . West Boylston, . . . Westborough, . . . }	Amos T. Saunders, . . Augustus E. Wright, . .	Clinton. Southborough.
11th,	{ Fitchburg, Ward 6, . . } Harvard, . . . Lancaster, . . . Leominster, . . . Lunenburg, . . . }	Charles H. Howe, . . Frank H. Pope, . .	Leominster. Leominster.
12th,	{ Fitchburg, Wards 1, 2, } 3, 4, 5, . . . }	Frank O. Hardy, . . Daniel W. Teehan, . .	Fitchburg. Fitchburg.
13th,	Worcester, Ward 1, .	Clarence W. Hobbs, Jr.,	Worcester.
14th,	Worcester, Ward 2, .	Frederick W. Hurlburt, .	Worcester.

COUNTY OF WORCESTER — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	Worcester, Ward 3, .	John C. Mahoney, . .	Worcester.
16th,	Worcester, Ward 4, .	John T. Flanagan, . .	Worcester.
17th,	Worcester, Ward 5, .	Michael A. Henebery, .	Worcester.
18th,	Worcester, Ward 6, .	Charles A. Orstrom, .	Worcester.
19th,	Worcester, Ward 7, .	Albert H. Silvester, .	Worcester.
20th,	Worcester, Ward 8, .	Arthur M. Stone, . .	Worcester.
21st,	Worcester, Ward 9, .	Oscar E. Arkwell, . .	Worcester.
22d,	Worcester, Ward 10, .	Robert M. Washburn, .	Worcester.

COUNTY OF HAMPSHIRE.

1st,	Northampton, . .	Alfred J. Preece, . .	Northampton.
2d,	{ Chesterfield, . . . } Cummington, . . . Easthampton, . . . Goshen, . . . Huntington, . . . Middlefield, . . . Plainfield, . . . Southampton, . . . Westhampton, . . . Williamsburg, . . . Worthington, . . . }	Leonard F. Hardy, . .	Huntington.
3d,	{ Amherst, . . . } Hadley, . . . Hatfield, . . . South Hadley, . . . }	Harry L. Howard, . .	Hatfield.
4th,	{ Belchertown, . . . } Enfield, . . . Granby, . . . Greenwich, . . . Pelham, . . . Prescott, . . . Ware, . . . }	Edgar E. Sargent, . .	Belchertown.

COUNTY OF HAMPDEN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Brimfield, . . . Holland, . . . Monson, . . . Palmer, . . . Wales, . . . }	Henry W. Holbrook, . .	Palmer.
2d,	{ Agawam, . . . Blandford, . . . Chester, . . . East Longmeadow, . Granville, . . . Hampden, . . . Longmeadow, . . . Ludlow, . . . Montgomery, . . . Russell, . . . Southwick, . . . Tolland, . . . West Springfield, . Wilbraham, . . . }	Aaron Bagg, Jr., . . . James F. Barry, . . .	W. Springfield. Agawam.
3d,	Springfield, Ward 1, .	John J. Carmody, . .	Springfield.
4th,	Springfield, Wards 2, 3,	Michael J. Scully, . .	Springfield.
5th,	{ Springfield, Wards 4, } 5, 6, . . . }	*Albert P. Langtry, . . Paul I. Lombard, . .	Springfield. Springfield.
6th,	Springfield, Ward 7, .	Charles T. Holt, . .	Springfield.
7th,	Springfield, Ward 8, .	Ernest A. Witt, . .	Springfield.
8th,	Chicopee, . . .	John J. Barry, . .	Chicopee.
9th,	Holyoke, Wards 1, 2, 4,	George R. Burns, . .	Holyoke.
10th,	Holyoke, Wards 3, 6, .	Thomas Davies, . .	Holyoke.
11th,	Holyoke, Wards 5, 7, .	Thomas F. McCullough,	Holyoke.
12th,	Westfield, . . .	Harry B. Putnam, . .	Westfield.

* Elected secretary of the commonwealth by the general court April 26, 1911; to fill a vacancy in said office caused by the death of William M. Olin; resigned as a member of the house of representatives April 27.

COUNTY OF FRANKLIN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Ashfield, . . . } Buckland, . . . Charlemont, . . . Colrain, . . . Conway, . . . Hawley, . . . Heath, . . . Monroe, . . . Rowe, . . . Shelburne, . . . { Whately, . . . }	William B. Avery, . .	Charlemont.
2d,	Greenfield, . . .	Harold H. Flower, . .	Greenfield.
3d,	{ Bernardston, . . . } Deerfield, . . . Gill, . . . Leverett, . . . Leyden, . . . Montague, . . . { Sunderland, . . . }	John W. Haigis, . .	Montague.
4th,	{ Erving, . . . } New Salem, . . . Northfield, . . . Orange, . . . Shutesbury, . . . Warwick, . . . { Wendell, . . . }	Alton A. Upton, . .	Orange.

COUNTY OF BERKSHIRE.

1st,	{ Clarksburg, . . . } Florida, . . . North Adams, Wards 3, 4, 5, . . . { Savoy, . . . }	Lincoln Breckenridge, .	North Adams.
2d,	{ North Adams, Wards 1, } 2, 6, 7, . . .	William A. O'Hearn, .	North Adams.

COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Adams, . . . } Cheshire, . . . } Hinsdale, . . . } New Ashford, . . . } Peru, . . . } Windsor, . . . }	John J. Hughes, . . .	Adams.
4th,	{ Dalton, . . . } Hancock, . . . } Lanesborough, . . . } Pittsfield, Ward 1, . . . } Williamstown, . . . }	Michael Hennessey, . . .	Dalton.
5th,	{ Pittsfield, Wards 2, 6, } 7, . . . }	Michael F. Quinn, . . .	Pittsfield.
6th,	{ Pittsfield, Wards 3, 4, } 5, . . . }	John J. Bastion, . . .	Pittsfield.
7th,	{ Becket, . . . } Lee, . . . } Lenox, . . . } Monterey, . . . } New Marlborough, . . . } Otis, . . . } Richmond, . . . } Sandisfield, . . . } Tyringham, . . . } Washington, . . . }	Norman Shannon, . . .	Becket.
8th,	{ Alford, . . . } Egremont, . . . } Great Barrington, . . . } Mount Washington, . . . } Sheffield, . . . } Stockbridge, . . . } West Stockbridge, . . . }	Franklin A. Palmer, . . .	Stockbridge.

COUNTY OF NORFOLK.

1st,	{ Dedham, . . . } Needham, . . . }	Horatio Hathaway, Jr., . . .	Dedham.
2d,	Brookline, . . . {	Joseph Walker, . . . Norman H. White, . . .	Brookline. Brookline.

COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	Hyde Park, . .	David W. Murray, . .	Hyde Park.
4th,	{ Canton, . . . Milton, . . . }	Roger Wolcott, . .	Milton.
5th,	Quincy, Wards 1, 2, 3,	William R. Thomas, .	Quincy.
6th,	Quincy, Wards 4, 5, 6,	Louis F. R. Langelier, .	Quincy.
7th,	Weymouth, . .	John F. Dwyer, . .	Weymouth.
8th,	{ Avon, . . . Braintree, . . . Holbrook, . . . }	Henry M. Storm, . .	Braintree.
9th,	{ Randolph, . . . Sharon, . . . Stoughton, . . . }	Jeremiah O'Leary, . .	Sharon.
10th,	{ Norwood, . . . Walpole, . . . Westwood, . . . }	Willie W. Baker, . .	Westwood.
11th,	{ Dover, . . . Medfield, . . . Medway, . . . Millis, . . . Norfolk, . . . Wellesley, . . . }	J. Herbert Baker, . .	Medfield.
12th,	{ Bellingham, . . . Foxborough, . . . Franklin, . . . Plainville, . . . Wrentham, . . . }	Fred P. Chapman, .	Franklin.

COUNTY OF PLYMOUTH.

1st,	Plymouth, . . .	Frederick D. Bartlett, .	Plymouth.
2d,	{ Duxbury, . . . Marshfield, . . . Norwell, . . . Pembroke, . . . Scituate, . . . }	Joseph F. Merritt, . .	Norwell.

COUNTY OF PLYMOUTH — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Cohasset, . . . } { Hingham, . . . } { Hull, . . . }	Clarence V. Nickerson, .	Hull.
4th,	{ Hanover, . . . } { Hanson, . . . } { Rockland, . . . }	George E. Bowker, .	Hanson.
5th,	{ Abington, . . . } { Whitman, . . . }	Clarence W. Harding, .	Whitman.
6th,	{ Carver, . . . } { Lakeville, . . . } { Marion, . . . } { Mattapoisett, . . . } { Rochester, . . . } { Wareham, . . . }	Edward C. Bodfish, .	Wareham.
7th,	{ Halifax, . . . } { Kingston, . . . } { Middleborough, . . . } { Plympton, . . . }	Alexander Holmes, .	Kingston.
8th,	{ Bridgewater, . . . } { East Bridgewater, . . . } { West Bridgewater, . . . }	Edward T. Morse, .	{ East Bridge- water.
9th,	Brockton, Wards 3, 4,	Albin F. Nordbeck, .	Brockton.
10th,	{ Brockton, Wards 1, 2, } { 5, . . . }	Portus B. Hancock, . Timothy J. Meade, .	Brockton. Brockton.
11th,	Brockton, Wards 6, 7, .	John P. Buckley, . .	Brockton.

COUNTY OF BRISTOL.

1st,	{ Attleborough, . . . } { North Attleborough, . . . } { Norton, . . . } { Seekonk, . . . }	Henry G. Danforth, . Edward A. Sweeney, .	Norton. Attleborough.
2d,	{ Easton, . . . } { Mansfield, . . . } { Raynham, . . . }	William N. Howard, .	Easton.

COUNTY OF BRISTOL — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	Taunton, Wards 5, 7, 8,	William A. Bellamy, .	Taunton.
4th,	Taunton, Wards 2, 3, 4,	Clifford L. King, . .	Taunton.
5th,	{ Berkley, . . . } { Dighton, . . . } { Rehoboth, . . . } { Taunton, Wards 1, 6, . }	Ellery L. Goff, . .	Rehoboth.
6th,	{ Acushnet, . . . } { Dartmouth, . . . } { Fairhaven, . . . } { Freetown, . . . }	Nathan Winslow Davis, .	Freetown.
7th,	{ New Bedford, Wards } { 1, 2, 3, . . . }	Charles Lewin, . . John J. Purcell, . .	New Bedford. New Bedford.
8th,	{ New Bedford, Wards } { 4, 5, 6, . . . }	Andrew P. Doyle, . . Edward R. Hathaway, .	New Bedford. New Bedford.
9th,	{ Fall River, Wards 1, 2, } { Westport, . . . }	William Booth, . . William H. Gifford, 3d, .	Fall River. Westport.
10th,	{ Fall River, Wards 3, 4, } { 5, }	Edward F. Harrington, . Joseph A. Parks, . .	Fall River. Fall River.
11th,	{ Fall River, Wards 6, 7, } { 8, 9, }	David P. Keefe, . . Frank Mulveney, . .	Fall River. Fall River.
	{ Somerset, . . . }	Isaac E. Willetts, . .	Fall River.
	{ Swansea, . . . }		

COUNTY OF BARNSTABLE.

1st,	{ Barnstable, . . . } { Bourne, . . . } { Falmouth, . . . } { Mashpee, . . . } { Sandwich, . . . }	Asa L. Pattee, . .	Falmouth.
2d,	{ Chatham, . . . } { Dennis, . . . } { Harwich, . . . } { Yarmouth, . . . }	Benjamin D. Gifford, .	Chatham.

COUNTY OF BARNSTABLE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Brewster, . . . Eastham, . . . Orleans, . . . Provincetown, . . . Truro, . . . Wellfleet, . . . }	Alfred W. Cushman, .	Provincetown.

COUNTY OF DUKES COUNTY.

1st,	{ Chilmark, . . . Edgartown, . . . Gay Head, . . . Gosnold, . . . Oak Bluffs, . . . Tisbury, . . . West Tisbury, . . . }	William J. Look, . . .	Tisbury.
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COUNTY OF NANTUCKET.

1st,	Nantucket, . . .	Benjamin Sharp, . . .	Nantucket.
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JAMES W. KIMBALL, Clerk.
DANIEL W. WALDRON, Chaplain.
THOMAS F. PEDRICK, Sergeant-at-Arms.

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

ARTHUR PRENTICE RUGG, of Worcester.

ASSOCIATE JUSTICES.

JAMES M. MORTON, of Fall River.
JOHN WILKES HAMMOND, of Cambridge.
WILLIAM CALEB LORING, of Boston.
HENRY K. BRALEY, of Boston.
HENRY NEWTON SHELDON, of Boston.
CHARLES AMBROSE DE COURCY, of Lawrence.

SUPERIOR COURT.

CHIEF JUSTICE.

JOHN ADAMS AIKEN, of Greenfield.

ASSOCIATE JUSTICES.

FRANKLIN G. FESSENDEN, of Greenfield.
JOHN H. HARDY, of Arlington.
WILLIAM B. STEVENS, of Stoneham.
CHARLES U. BELL, of Andover.
FREDERICK LAWTON, of Lowell.
EDWARD P. PIERCE, of Fitchburg.
JABEZ FOX, of Cambridge.
WILLIAM C. WAIT, of Medford.
LLOYD E. WHITE, of Taunton.
LORANUS E. HITCHCOCK, of Springfield.
JOHN C. CROSBY, of Pittsfield.
WILLIAM F. DANA, of Newton.
JOHN F. BROWN, of Milton.
HENRY A. KING, of Springfield.
GEORGE A. SANDERSON, of Ayer.
ROBERT F. RAYMOND, of New Bedford.
MARCUS MORTON, of Newton.

CHARLES F. JENNEY,	.	.	.	.	.	.	of Hyde Park.
JOSEPH F. QUINN,	.	.	.	.	.	.	of Salem.
JOHN D. McLAUGHLIN,	.	.	.	.	.	.	of Boston.
JOHN B. RATIGAN,	.	.	.	.	.	.	of Worcester.
HUGO A. DUBUQUE,	.	.	.	.	.	.	of Fall River.
PATRICK M. KEATING,	.	.	.	.	.	.	of Boston.
WALTER PERLEY HALL,	.	.	.	.	.	.	of Fitchburg.
NATHAN D. PRATT,	.	.	.	.	.	.	of Lowell.
FREDERIC H. CHASE,	.	.	.	.	.	.	of Boston.
RICHARD W. IRWIN,	of Northampton.

LAND COURT.
JUDGE.

CHARLES T. DAVIS,	of Marblehead.
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ASSOCIATE JUDGE.

LOUIS M. CLARK,	of Boston.
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RECORDER.

CLARENCE C. SMITH,	of Newton.
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JUDGES OF PROBATE AND INSOLVENCY.

ROBERT GRANT, Boston,	SUFFOLK.
ELIJAH GEORGE, Boston,	SUFFOLK.
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HARRY R. DOW, North Andover,	ESSEX.
CHARLES J. McINTIRE, Cambridge,	MIDDLESEX.
GEORGE FIELD LAWTON, Cambridge,	MIDDLESEX.
WILLIAM T. FORBES, Westborough,	.	.	.	.	.	.	WORCESTER.
FREDERICK H. CHAMBERLAIN, Worcester,	.	.	.	.	.	.	WORCESTER.
WILLIAM G. BASSETT, Northampton,	.	.	.	.	.	.	HAMPSHIRE.
CHARLES L. LONG, Springfield,	.	.	.	.	.	.	HAMPDEN.
FRANCIS M. THOMPSON, Greenfield,	.	.	.	.	.	.	FRANKLIN.
EDWARD T. SLOCUM, Pittsfield,	.	.	.	.	.	.	BERKSHIRE.
JAMES H. FLINT, Weymouth,	.	.	.	.	.	.	NORFOLK.
LOYED E. CHAMBERLAIN, Brockton,	.	.	.	.	.	.	PLYMOUTH.
WILLIAM E. FULLER, Taunton,	.	.	.	.	.	.	BRISTOL.
FREEMAN H. LOTHROP, Barnstable,	.	.	.	.	.	.	BARNSTABLE.
CHARLES G. M. DUNHAM, Edgartown,	.	.	.	.	.	.	DUKES.
HENRY RIDDELL, Nantucket,	.	.	.	.	.	.	NANTUCKET.

SPECIAL JUDGES OF PROBATE AND INSOLVENCY.

HENRY P. FIELD, Northampton,	.	.	.	.	.	HAMPSHIRE.
CHARLES H. BECKWITH, Springfield,	.	.	.	.	.	HAMPDEN.
LYMAN W. GRISWOLD, Greenfield,	FRANKLIN.
WILLIAM A. BURNS, Pittsfield,	BERKSHIRE.

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— — — — *	ESSEX.
WILLIAM E. ROGERS, Wakefield,	MIDDLESEX.
JOHN W. MAWBEE, Worcester,	WORCESTER.
HUBBARD M. ABBOTT, Northampton,	.	.	.	.	.	HAMPSHIRE.
FRANK G. HODSKINS, Springfield,	.	.	.	.	.	HAMPDEN.
FRANCIS N. THOMPSON, Greenfield,	.	.	.	.	.	FRANKLIN.
ARTHUR M. ROBINSON, North Adams,	.	.	.	.	.	BERKSHIRE.
JOHN D. COBB, Dedham,	.	.	.	.	.	NORFOLK.
SUMNER A. CHAPMAN, Hanson,	.	.	.	.	.	PLYMOUTH.
ARTHUR M. ALGER, Taunton,	.	.	.	.	.	BRISTOL.
CLARENDON A. FREEMAN, Barnstable,	.	.	.	.	.	BARNSTABLE.
BERIAH T. HILLMAN, Edgartown,	.	.	.	.	.	DUKES.
ROBERT MACK, Nantucket,	.	.	.	.	.	NANTUCKET.

DISTRICT ATTORNEYS.

JOSEPH C. PELLETIER, Boston,	.	.	.	.	.	SUFFOLK.
JOHN J. HIGGINS, Somerville,	.	.	.	.	.	NORTHERN.
HENRY C. ATWILL, Lynn,	.	.	.	.	.	EASTERN.
JOSEPH T. KENNEY, New Bedford,	.	.	.	.	.	SOUTHERN.
ALBERT F. BARKER, Brockton,	.	.	.	.	.	SOUTHEASTERN.
JAMES A. STILES, Gardner,	.	.	.	.	.	MIDDLE.
CHRISTOPHER T. CALLAHAN, Holyoke,	.	.	.	.	.	WESTERN.
— — — — †	.	.	.	.	.	NORTHWESTERN.

SHERIFFS.

FRED H. SEAVEY, Boston,	.	.	.	.	.	SUFFOLK.
SAMUEL A. JOHNSON, Salem,	.	.	.	.	.	ESSEX.
JOHN R. FAIRBAIRN, Cambridge,	.	.	.	.	.	MIDDLESEX.

* Vacancy ; caused by the decease of Jeremiah T. Mahoney, the duly elected register, who died October 7, 1911.
† Vacancy ; caused by the appointment of Richard W. Irwin, the duly elected district attorney, as an associate justice of the superior court.

BENJAMIN D. DWINNELL, Fitchburg,	.	.	.	.	WORCESTER.
MAURICE FITZGERALD, Northampton,	.	.	.	.	HAMPSHIRE.
EMBURY P. CLARK, Springfield,	.	.	.	.	HAMPDEN.
EDSON J. PRATT, Erving,	.	.	.	.	FRANKLIN.
JOHN NICHOLSON, Pittsfield,	.	.	.	.	BERKSHIRE.
SAMUEL H. CAPEN, Dedham,	.	.	.	.	NORFOLK.
HENRY S. PORTER, Plymouth,	.	.	.	.	PLYMOUTH.
EDWIN H. EVANS, Taunton,	.	.	.	.	BRISTOL.
HENRY M. PERCIVAL, Orleans,	.	.	.	.	BARNSTABLE.
WALTER H. RENEAR, Tisbury,	.	.	.	.	DUKES.
JOSIAH F. BARRETT, Nantucket,	.	.	.	.	NANTUCKET.

CLERKS OF COURTS.

CLARENCE H. COOPER, Boston, Clerk of the Supreme Judicial Court for the Commonwealth.

WALTER F. FREDERICK, Boston, Supreme Judicial Court,	SUFFOLK.
FRANCIS A. CAMPBELL, Boston, Sup. Court, Civil Business,	} SUFFOLK.
JOHN P. MANNING, Boston, Sup. Court, Criminal Business,	
EDWARD B. GEORGE, Haverhill,	ESSEX.
WILLIAM C. DILLINGHAM, Malden,*	MIDDLESEX.
THEODORE S. JOHNSON, Worcester,	WORCESTER.
HAYNES H. CHILSON, Northampton,	HAMPSHIRE.
ROBERT O. MORRIS, Springfield,	HAMPDEN.
CLIFTON L. FIELD, Greenfield,	FRANKLIN.
FRANK H. CANDE, Pittsfield,	BERKSHIRE.
LOUIS A. COOK, Weymouth,	NORFOLK.
EDWARD E. HOBART, Plymouth,	PLYMOUTH.
SIMEON BORDEN, Fall River,	BRISTOL.
ALFRED CROCKER, Barnstable,	BARNSTABLE.
SAMUEL KENISTON, Edgartown,	DUKES.
JOSIAH F. MURPHEY, Nantucket,	NANTUCKET.

* Appointed by the justices of the court, in place of Theodore C. Hurd, deceased.

MEMBERS OF THE SIXTY-SECOND CONGRESS.

[Congressional Districts established by Chap. 511, Acts of 1901.]

SENATORS.

- HENRY CABOT LODGE, of Nahant.
WINTHROP MURRAY CRANE, of Dalton.

REPRESENTATIVES.

- DISTRICT I. — GEORGE P. LAWRENCE, of North Adams.
II. — FREDERICK H. GILLETT, of Springfield.
III. — JOHN A. THAYER, of Worcester.
IV. — WILLIAM H. WILDER, of Gardner.
V. — BUTLER AMES, of Lowell.
VI. — AUGUSTUS P. GARDNER, of Hamilton.
VII. — ERNEST W. ROBERTS, of Chelsea.
VIII. — SAMUEL W. McCALL, of Winchester.
IX. — WILLIAM F. MURRAY, of Boston.
X. — JAMES M. CURLEY, of Boston.
XI. — ANDREW J. PETERS, of Boston.
XII. — JOHN W. WEEKS, of Newton.
XIII. — WILLIAM S. GREENE, of Fall River.
XIV. — ROBERT O. HARRIS, of E. Bridgewater.

APPENDIX

The following tables have been prepared by FISHER AMES, Esq., appointed to that duty under section 1 of chapter 9 of the Revised Laws, which directs the governor to “appoint a skilled person to prepare . . . a table of changes in the general laws,” etc., “to be printed in such editions of the laws as the governor shall direct.”

TABLES

SHOWING

WHAT GENERAL LAWS OF THE COMMONWEALTH HAVE BEEN AFFECTED BY SUBSEQUENT LEGISLATION

I

CHANGES IN THE "REVISED LAWS"

Chapter 1. — Of the Jurisdiction of the Commonwealth, and Places ceded to the United States.

Act to protect the dignity and honor of the uniform of the United States. St. 1911, 460.

SECT. 4. Act relative to the boundary line of the Commonwealth. St. 1906, 146; 1908, 192.

SECT. 5. Tracts ceded: Nahant. St. 1902, 373. The "Graves." St. 1903, 258 § 1. Nantucket. St. 1904, 428. Hingham and Weymouth. St. 1905, 446. Hull. St. 1905, 455; 1906, 511. Deer Island. St. 1907, 172. East Boston. St. 1910, 331; 1911, 546. Lowell. St. 1911, 255.

SECT. 9 extended to geological survey. St. 1903, 150 § 1.

SECTS. 10-12. See St. 1903, 150 § 2.

SECT. 13. See St. 1906, 146.

Chapter 2. — Of the Arms and the Great Seal of the Commonwealth.

SECT. 1. Use of representations, for advertising or commercial purposes, forbidden. St. 1903, 195.

Act to define the flag of the Commonwealth. St. 1908, 229.

Flag of the United States and of the Commonwealth to be displayed on public buildings. St. 1909, 60. (See 1909, 229; Res. 1911, 5; St. 1911, 232.)

Chapter 3. — Of the General Court.

As to the fiscal year and appropriations, see St. 1905, 211 § 12.

As to petitions for construction or repairs of buildings, see St. 1907, 520. Bulletin of hearings. Res. 1909, 5. St. 1911, 427.

SECT. 8 amended. St. 1911, 676 § 1. (See Res. 1911, 127, 130.)

SECT. 10 amended. St. 1907, 163.

SECT. 11. Salaries changed. St. 1907, 304.

SECT. 12 amended. St. 1904, 87; 1906, 126. (See 1904, 440.)

SECT. 13. See St. 1911, 674.

SECT. 17 amended. St. 1902, 544 § 1.

SECT. 21. See St. 1910, 473. Res. 1910, 120.

SECT. 22. See St. 1911, 136.

SECT. 24. See St. 1909, 174; Res. 1909, 5.

SECTS. 33, 34 (new) added. St. 1911, 728.

Chapter 4. — Of the Governor, Lieutenant Governor and Council.

Provision for an art commission. St. 1910, 422.

SECT. 6 amended. St. 1902, 523 § 1; 1904, 268; 1906, 109; 1908, 497, 507. (See 1910, 513.)

SECT. 7 amended. St. 1908, 540.

SECT. 8 in part superseded. St. 1908, 507. (See 1904, 88.)

SECT. 9 amended. St. 1908, 549.

SECTS. 10, 11. See St. 1905, 328; 1910, 220, 326.

SECT. 11 affected. St. 1908, 544.

Chapter 5. — Of the Secretary of the Commonwealth.

Provision for two deputy secretaries. St. 1908, 561; 1910, 66.

Provision for filing power of attorney by certain non-residents for service of legal process. St. 1908, 528.

SECT. 1 amended. St. 1907, 276. (See 1908, 469.)

SECT. 2 revised. St. 1902, 364. Amended, 1908, 496, 508, 561.

SECT. 4 *et seq.* See St. 1902, 470, 524, 544 § 8; 1903, 368 §§ 2, 4, 437 § 88, 484 §§ 2, 3; 1904, 374 § 5, 458 § 2; Res. 1904, 8; 1905, 204, 321 § 2; 1906, 433 § 4, 434; 1907, 111, 396 § 1, 571 § 1; 1908, 208, 314, 590 § 25; 1909, 371 § 3; 1910, 83; 1911, 550 § 19, 628 § 12.

SECT. 6. See St. 1902, 438.

SECTS. 10, 11. See St. 1910, 483.

SECT. 11 amended. St. 1903, 424 § 1.

Chapter 6. — Of the Treasurer and Receiver General, the Auditor of Accounts and Matters of Finance.

An act to establish a new fiscal year for the Commonwealth. St. 1905, 211.

SECT. 1. Expense of bond to be paid by the Commonwealth. St. 1907, 276 § 1. (See 1908, 469.)

SECT. 1 *et seq.* See St. 1903, 251, 368 § 2; 1904, 246, 421, 426, 427 §§ 1, 3, 431; 1905, 428; 1906, 204 § 4, 407, 435 § 8; 1907, 165, 229 § 4, 238, 446 § 2, 474, 563; 1908, 168, 590 §§ 4, 8, 55-58, 595 § 4, 624; 1909, 490 I § 34, III § 68, 491 § 2; 1910, 220, 255, 598 § 6, 607 § 6, 649, 651 § 9, 656 §§ 2-6; 1911, 148, 478, 532.

SECT. 4. Additional clerks. St. 1909, 94 § 1; 1910, 151. Salaries changed: Third clerk. St. 1903, 398 §§ 1, 2. Assistant bookkeeper. St. 1905, 272. Assistant paying teller. St. 1910, 230. Messenger. St. 1910, 265. (See 1907, 276.) Employees to give bonds. St. 1910, 126.

SECT. 6. See St. 1911, 526.

SECT. 7. See St. 1903, 109; 1907, 121. (See 1908, 414.)

SECT. 9 amended. St. 1905, 211 § 2.

SECT. 13. See St. 1908, 469. Title changed and deputy auditor and supervisor of accounts provided for. St. 1908, 597. Provision for registration of public accountants. St. 1909, 399; 1910, 263; 1911, 81.

SECT. 14 revised. St. 1907, 139 § 2, 276; 1908, 597 §§ 2, 3; 1911, 294. (See 1902, 177; 1903, 120; 1904, 440; 1905, 149; 1908, 638.) List of officials and employees to be printed. St. 1910, 268; 1911, 43.

SECT. 15 *et seq.* See St. 1903, 368 § 2; 1904, 431, 458 § 2; 1909, 436 § 3; 1910, 220, 268, 517; 1911, 592 § 2.

SECT. 16 affected. St. 1908, 195.

SECT. 21 revised. St. 1907, 139 § 1. (See 1905, 211 § 3; 1908, 414.)

SECT. 22 revised. St. 1905, 211 § 4; 1908, 630.

SECT. 23. See St. 1910, 517; 1911, 526.

SECT. 25 amended. St. 1905, 211 § 5; 1908, 597 § 5; 1910, 220, §§ 1, 2.

SECT. 26 repealed and new provisions made. St. 1910, 220. (See 1905, 211 § 6; 1907, 520; 1908, 195; 1910, 268; 1911, 43, 82.)

SECT. 27 repealed. St. 1905, 211 § 13. (See 1907, 520; 1910, 220 §§ 1, 2.)

SECT. 28 amended. St. 1910, 342. (See 1910, 306.)

SECT. 28 *et seq.* See St. 1904, 458 §§ 1-6; 1907, 165 § 1. Advances authorized. St. 1909, 218; 1910, 488. Provision for partial repayment to certain towns of cost of apparatus for preventing or extinguishing forest fires. St. 1910, 398.

SECT. 31 amended. St. 1905, 211 § 7.

SECT. 35 amended. St. 1905, 369. (See 1907, 466; 1908, 178, 195, 469; 1909, 218, 514 § 15.) In part repealed. St. 1908, 434 § 2.

SECT. 37 amended. St. 1905, 211 § 8.

SECT. 38 amended. St. 1905, 211 § 9.

SECT. 40 amended. St. 1905, 211 § 10. (See 1910, 306.)

SECT. 41 *et seq.* See acts relative to construction and improvement of buildings at state and other institutions. St. 1907, 520, 555; 1908, 303.

Provision for an art commission. St. 1910, 422.

SECT. 46 amended. St. 1903, 283 § 1. (See 1905, Res. 2.)

SECT. 48 amended. St. 1903, 283 § 2.

SECT. 54. See St. 1910, 306.

SECT. 59 revised. St. 1906, 487. (See 1902, 55.)

SECT. 62. See St. 1909, 136, 148.

SECTS. 65, 79. See St. 1903, 471; 1904, 458.

SECT. 67. See St. 1909, 136, 148; 1910, 306.

SECT. 69. See St. 1903, 109; 1907, 121.

SECT. 72 *et seq.* Treasurer may issue bonds or scrip on serial plan, instead of a sinking fund. St. 1903, 226; 1905, 169. May make temporary loan in anticipation of proceeds of bonds. St. 1910, 123. Issue of bonds or notes regulated. St. 1904, 263. (See 1906, 493; 1909, 148; 1910, 137.)

SECT. 77. Extended to contracts for counties, cities and towns. St. 1904, 349.

SECT. 79 amended. St. 1910, 512.

Chapter 7. — Of the Attorney-General and the District Attorneys.

SECT. 1 *et seq.* See St. 1902, 349; 1903, 251; 1904, 344 § 1, 375 §§ 3-6, 421 § 1; 1906, 372, 377 § 2, 433 § 6; 1907, 465 § 25, 524 § 3; 1908, 220, 372 § 1, 454 § 2, 478 § 1, 590 §§ 8, 17, 595 § 5; 1909, 214; 1911, 310, 755 § 5.

SECT. 8 amended. St. 1908, 586.

SECT. 9. Office of chief clerk established. St. 1903, 357 §§ 1, 2. (See 1907, 276; 1908, 372 § 1.)

SECTS. 11, 13. Districts classified and salaries established. St. 1905, 157 §§ 1, 2, 3, 5, 6; 1906, 460 § 2; 1910, 310 § 2, 369; 1911, 485. (See 1902, 471, 530; 1903, 395.)

SECT. 12. Additional assistants. St. 1906, 460 § 1; 1909, 276; 1910, 310 § 1, 439. (See 1909, 271; 1910, 373.)

SECT. 13 *et seq.* Salaries fixed. St. 1906, 460 §§ 2, 3; 1910, 439 §§ 2, 3, 4. Estimates of expenses. St. 1909, 271.

SECT. 16. See St. 1908, 195, 469.

Certain expenses authorized. St. 1906, 494; 1907, 170. (See 1910, 439 § 1.) Advances authorized. St. 1905, 369; 1910, 439 § 1. (See 1908, 469.)

Travelling expenses allowed. St. 1905, 157 § 4.

SECT. 17. See St. 1908, 454 § 2.

Chapter 8. — Of the Statutes.

Act to establish a commission to promote uniformity of legislation in the United States. St. 1909, 416. (See 1910, 73.)

SECT. 4. See St. 1907, 414.

SECT. 5, cl. 9 amended. St. 1910, 473; 1911, 136. (See 1902, 109; 1905, 328; 1907, 204; 1910, 473; Res. 1911, 5.) Cl. 11. See St. 1909, 148.

Chapter 9. — Of the Printing and Distribution of the Laws.

A board of publication is established. St. 1902, 438. (See 1909, 67; Res. 1909, 33.)

List of officials and employees to be printed. St. 1910, 268; 1911, 43.

SECT. 1 amended. St. 1910, 483.

SECT. 2 amended. St. 1908, 173, 443; 1909, 50, 147; 1910, 80; 1911, 667.

SECT. 3 revised. St. 1908, 474.

SECT. 5 repealed. St. 1905, 211 § 13. (See 1903, 291; 1906, 235.)

SECT. 6 repealed. St. 1902, 438 § 7.

SECT. 7. In part repealed. St. 1902, 228 § 8, 438 § 7. Amended. St. 1902, 269; 1903, 291, 390; 1904, 388 § 1, 410; 1905, 138; 1906, 296 § 2; 1908, 444, 459, 462 § 5, 523; 1909, 371 § 3; 1910, 83, 236, 429, 514, 599 § 1; 1911, 51, 446, 526. Last clause limited. St. 1909, 67. (See 1907, 289; 1908, 481 § 1; Res. 1909, 33; St. 1910, 268.)

Provision for distribution of certain town records. St. 1902, 470 § 2. And of certain documents to law libraries. St. 1904, 209.

Reports of boards of health. St. 1902, 230; 1905, 275. Limitation as to statistics. St. 1904, 388 § 2.

SECT. 8 amended. St. 1908, 422.

SECT. 9. See Res. 1905, 2.

SECT. 10 amended. St. 1910, 121.

Chapter 10. — Of the State House, the Sergeant-at-Arms and the State Library.

Provision for night watch and fire alarm. St. 1911, 723.

SECT. 3. See St. 1908, 195, 469.

SECT. 4. See St. 1907, 135 § 1; 1908, 485 § 1; 1909, 514 § 2; 1910, 326.

SECT. 6 amended. St. 1905, 218 § 1; 1909, 174 § 1.

SECT. 7 amended. St. 1909, 174 § 1.

SECT. 9. Compensation of elevator men. St. 1910, 634. (See 1906, 232.) Porters. St. 1907, 384. Matron. St. 1910, 152.

SECT. 10 amended. Compensations fixed. St. 1903, 455 § 1; 1905, 218 § 2; 1907, 359; 1909, 174.

SECT. 11 amended. St. 1911, 115. Sergeant may employ a cashier who shall be a stenographer. St. 1903, 323 § 1; 1911, 60. Postmaster's salary changed. St. 1903, 323 § 1.

SECT. 12 amended. St. 1911, 115.

SECT. 15 amended. St. 1910, 154.

SECT. 17. See St. 1910, 326, 422; Res. 1911, 113.

SECT. 21. See St. 1910, 326.

SECTS. 24, 25, 27, 30 amended. St. 1910, 217.

SECT. 26 amended. St. 1910, 421 § 1.

SECT. 27. Amount increased. St. 1905, 154; 1908, 342; 1910, 421 § 2.

SECT. 29 revised. St. 1905, 154; 1910, 421 § 2.

Chapter 11. — Of Elections.

This chapter, except sections 422-425, is repealed and superseded by St. 1907, 560, 579, 581; 1908, 345, 391, 423, 425, 428, 461, 518; 1909, 149, 213, 264, 344, 492; 1910, 44, 55, 147, 182, 200, 246, 520; 1911, 222, 304, 353, 354, 355, 378, 422, 436, 517, 518, 550, 679, 735, 745. (See 1902, 56, 90, 157, 225, 346, 348, 384, 492, 506, 512, 518, 537, 544 § 2; 1903, 279, 318, 368, 425, 426, 430, 450, 453, 454, 474; 1904, 41, 179, 201, 245, 275, 293, 294, 310, 334, 375, 377, 380, 404; 1905, 111, 313, 318, 386, 397; 1906, 76, 291, § 18, 298, 311, 444, 481, 497; 1907, 330, 387, 429, 468, 543; 1908, 83, 85, 361, 480; 1909, 356, 514 § 45; 1910, 110, 293; 1911, 7, 243. Res. 1911, 75.)

Certain veteran soldiers and sailors may vote without being assessed for a poll tax. St. 1906, 481.

Act relative to direct nominations of candidates for state offices, election of committees, etc. St. 1911, 550.

Act relative to appointment of deputy election officers in certain cities. St. 1911, 436.

Act relative to primaries and elections. St. 1911, 679.

Meetings of registrars. St. 1911, 745.

Name of party changed. St. 1902, 56.

Municipal parties in Cambridge. St. 1902, 529.

SECTS. 422-425. New districts. St. 1906, 497. Nominations in certain districts to be made in caucus by direct plurality vote. St. 1907, 543; 1909, 356; 1910, 520. (See 1903, 450.)

Act to divide the Commonwealth into election districts. St. 1906, 497.

Acts to prohibit unsigned political advertisements and contributions by certain corporations. St. 1907, 581; 1908, 483; 1910, 55; 1911, 422.

Chapter 12. — Of the Assessment of Taxes.

This chapter is in part superseded by St. 1909, 490 Part I; 1911, 89, 308, 366.

SECTS. 1-4. See St. 1902, 374 § 4; 1909, 490 I §§ 1-4. See also 1903, 386; 1904, 403; 1906, 523.

SECT. 5, cl. 3. See St. 1911, 400, 634 § 7.

SECT. 5. Provision for reimbursing cities and towns for loss of taxes on land used for public institutions. St. 1910, 607; 1911, 478.

SECT. 5 amended. St. 1906, 315, 493; 1907, 367; 1908, 464 § 1, 594; 1909, 223, 490 I § 5, 516 § 1; 1910, 333, 559 § 3. (See 1906, 481.)

SECT. 6 amended. St. 1908, 120; 1909, 187, 490 I § 6.

SECTS. 7, 8, 9 repealed and new provisions made. St. 1902, 374 §§ 1-3, 375; 1909, 490 I § 7.

SECTS. 10-12. See St. 1903, 161; 1909, 243, 490 I §§ 10, 11; 1911, 135.

SECTS. 13-15. See St. 1902, 113; 1904, 385; 1909, 440 § 2, 490 I §§ 13-15; 1911, 75.

SECT. 16. See St. 1909, 490 I § 16.

SECT. 17 amended. St. 1902, 112; 1909, 490 I § 17.

SECTS. 18-22. See St. 1909, 490 I §§ 18-22.

SECT. 23 amended. St. 1902, 342 § 1; 1909, 439 § 1. (See 1906, 463 III § 126; 1909, 490 I § 23, 516 § 2.)

SECTS. 24-41. See St. 1909, 490 I §§ 24-41; 1910, 260.

SECT. 41 revised. St. 1903, 157 § 1; 1909, 440 §§ 2, 3.

SECTS. 42-48. See St. 1909, 490 I §§ 42-48.

SECT. 49 repealed. St. 1902, 111.

SECTS. 50-58. See St. 1909, 490 I §§ 49-57.

SECT. 54 amended. St. 1908, 589 § 5.

SECT. 57 amended. St. 1908, 387 § 1.

SECT. 58 amended. St. 1907, 181; 1908, 314, 387 § 2; 1909, 440 § 2.

SECTS. 59-72. See St. 1909, 490 I §§ 58-71.

SECTS. 60, 61, 63. See St. 1908, 314.

SECTS. 73-84. See St. 1905, 381 § 7; 1906, 268 § 5; 1907, 521 § 3; 1909, 490 I §§ 72-83; 1911, 242.

New section added, 1904, 442 § 1; 1909, 490 I § 84.

SECT. 84 amended. St. 1902, 91; 1909, 490 I § 83.

SECTS. 85-101. See St. 1909, 490 I §§ 65-101; 1911, 89, 366.

SECT. 93 amended. St. 1904, 181; 1906, 271 § 11; 1909, 440 § 2, 490 I § 93.

SECT. 94 amended. St. 1909, 440 § 2, 490 I § 94. (See 1908, 314.)

SECT. 100. Apportionment of state tax. St. 1911, 752.

SECT. 101. See St. 1909, 449, 490 I § 101; 1911, 366.

Chapter 13. — Of the Collection of Taxes.

This chapter is superseded in part by St. 1909, 490 II; 1911, 370.

Provision for a special collector in towns. St. 1910, 272.

SECTS. 1-19. See St. 1909, 440 § 2, 490 II §§ 1-19.

SECT. 13 amended. St. 1907, 378 § 2, 427; 1909, 490 II § 13, 512.

Acts to provide for authoritative ascertainment of municipal liens on real estate. St. 1907, 378 § 1; 1908, 299; 1909, 490 II § 20. (See 1911, 75.)

SECTS. 20-34. See St. 1909, 490 II §§ 21-35.

SECT. 31 amended. St. 1908, 99 § 1; 1909, 490 II § 32.

SECT. 35 amended. St. 1909, 440 § 2; 490 II § 36.

SECTS. 36-49. See St. 1909, 490 II §§ 37-50.

SECT. 43 amended. St. 1902, 423; 1905, 193; 1909, 490 II § 44; 1911, 370.

SECT. 44 amended. St. 1909, 259, 490 II § 45.

SECTS. 49, 50. See St. 1909, 440, 490 II §§ 50, 51.

SECTS. 51-69. See St. 1909, 490 II §§ 52-70.

SECT. 58 amended. St. 1905, 325 § 1; 1909, 490 II § 59.

SECTS. 60, 61 superseded. St. 1902, 443; 1909, 490 II §§ 61, 62.

SECT. 61 amended. St. 1905, 325 § 2.

SECTS. 70-87. See St. 1909, 490 II §§ 71-89.

SECT. 75 amended. St. 1905, 325 § 3; 1908, 226; 1909, 490 II § 76.

Provision for injunction against non-residents doing business until tax is paid. St. 1906, 372; 1908, 247; 1909, 490 II § 81.

SECT. 76 *et seq.* See St. 1910, 272.

SECT. 83 amended. St. 1908, 99 § 2; 1909, 490 II § 85.

Chapter 14. — Of the Taxation of Corporations.

The law as to the taxation of corporations is revised. St. 1903, 437 §§ 45-48, 71-87; 1909, 342, 490 III, 528; 1910, 216, 270, 456, 650; 1911, 337, 339, 379, 383, 618.

Act to regulate distribution of corporate franchise tax of domestic corporations. St. 1910, 456.

SECT. 1 amended. St. 1907, 564 § 1; 1909, 490 III § 1.

SECT. 2 amended. St. 1904, 99; 1906, 322; 1907, 564 § 2; 1908, 550 § 1; 1909, 430 § 1, 490 III § 2.

Provision for supervisors of assessors. St. 1908, 550; 1909, 490 III § 2.

SECTS. 3-5. See St. 1909, 490 III §§ 3-5.

SECT. 4 amended. St. 1906, 271 § 1; 1908, 468; 1909, 440 § 2. Provision for order by commissioner as to method of keeping records. St. 1909, 490 III § 7. And recommending revision of valuation. St. 1910, 260. (See 1910, 607; 1911, 478.)

SECT. 5 amended. St. 1908, 433 § 1. (See 1908, 433 § 2.)

SECTS. 6, 7 repealed. St. 1908, 468. (See 1911, 184.)

SECTS. 8, 9. See St. 1909, 490 III §§ 8, 11.

Assessment of salaries and expenses of railroad and gas and electric light commissions and of vessels engaged in foreign carrying trade. St. 1909, 490 III §§ 9, 10.

SECTS. 10-18. See St. 1909, 490 III §§ 12-20.

SECT. 17 amended. St. 1906, 271 § 2.

SECTS. 19-36. See St. 1909, 490 III §§ 21-38; 1910, 216.

SECT. 19 amended. St. 1906, 271 § 3; 1907, 246; 1909, 342 § 1; 1911, 337.

SECT. 20 amended. St. 1906, 271 § 4; 1909, 342 § 2.

SECT. 22 amended. St. 1906, 271 § 5.

SECT. 23. See St. 1908, 608; 1909, 419 § 25.

SECT. 24 amended. St. 1903, 307 § 1.

SECTS. 24-34. See St. 1909, 490 III §§ 26-32; 1910, 235.

SECT. 32 amended. St. 1906, 271 § 6; 1909, 440 § 1.

SECT. 33 amended. St. 1906, 271 § 8.

SECT. 34. See St. 1911, 339.

SECT. 35 amended. St. 1908, 520 § 12; 1909, 440 § 2.

SECTS. 35, 36. See St. 1909, 490 III §§ 37, 38; 1910, 216.

SECTS. 37-40 in part repealed. St. 1903, 437 § 95.

SECT. 37 amended. St. 1909, 267 § 1, 440 § 2. (See 1910, 650; 1911, 184.)

SECT. 38 amended. St. 1909, 267 § 2, 439 § 2, 440 § 2. (See 1902, 342; 1903, 437 §§ 71, 95; 1909, 490 III § 41; 1910, 270; 1911, 379.)

SECT. 39 amended. St. 1906, 463 II § 258; 1909, 439 § 3, 490 III § 42.

SECT. 40 amended. St. 1906, 271 § 9; 1909, 490 III § 43.

SECTS. 41, 43-47 repealed. St. 1906, 463 III § 158. (See 1906, 463 III §§ 130, 133; 1909, 440 § 1, 490 III § 44, 47-51.)

SECT. 42 amended. St. 1902, 342 § 5; 1909, 439 § 4, 490 III § 45. In part repealed. St. 1903, 437 § 95. (See 1906, 463 III § 129.)

Assessment in case of abatement of corporation tax. St. 1904, 442 § 2. (See 1904, 440 § 2.)

SECT. 48. See St. 1909, 490 III § 52.

SECTS. 49-52 repealed. St. 1903, 437 § 95. (See 1904, 261 § 1.)

SECT. 53. See St. 1909, 490 III § 53.

SECTS. 54-68 in part repealed. St. 1903, 437 § 95. (See 1906, 349, 516; 1908, 614; 1909, 490 III §§ 58-63.)

Taxation of foreign corporations. St. 1903, 437 § 75; 1909, 490 III §§ 54-56.

SECTS. 54-58. Penalties for non-payment of corporation taxes. See St. 1909, 490 III §§ 58-63.

SECT. 54 amended. St. 1906, 271 § 10; 1909, 490 III § 57.

SECT. 55 amended. St. 1908, 318; 1909, 490 III § 59, 528. (See 1911, 339.)

SECTS. 58, 61 amended. St. 1909, 440.

SECT. 59. See St. 1909, 490 III § 59; 1911, 339.

SECT. 61 amended. St. 1903, 437 § 86; 1906, 516 § 20; 1908, 614 § 1; 1909, 490 III § 64.

SECTS. 62-64. See St. 1909, 490 III §§ 65-67.

SECT. 65 amended. St. 1909, 490 III § 68. (See 1903, 437 § 77; 1907, 329, 586 § 6; 1908, 220.)

SECT. 67 amended. St. 1906, 349; 1909, 490 III § 70.

SECT. 69 repealed. St. 1903, 437 § 95.

Taxation of express companies. St. 1909, 490 III §§ 72-79.

Chapter 15. — Of the Taxation of Collateral Legacies and Successions.

This chapter is repealed and superseded by St. 1907, 563; 1908, 268, 550, 624; 1909, 266, 268, 490 IV, 527; 1910, 440, 481; 1911, 191, 359, 502, 551. (See 1902, 473; 1903, 248, 251, 276; 1904, 421; 1905, 367, 470; 1906, 436.)

As to bequest or devise free of tax, see St. 1907, 452; 563 §§ 10, 11; 1909, 490 IV §§ 10, 11.

Chapter 16. — Of the Militia.

This chapter is revised. St. 1908, 604; 1909, 167, 170, 298, 300, 323; 1910, 225, 227, 228, 283, 299, 348; 1911, 145, 298, 326, 449, 514, 554, 594, 633, 642, 670, 747. (See 1902, 158, 336, 493; 1903, 151, 247, 377, 457, 481; 1904, 226, 231, 361, 371, 439; 1905, 202, 298, 391, 465, 468; 1906, 198, 212, 273, 373, 423, 469, 504; 1907, 232 § 4, 305, 356, 526; 1908, 315, 317, 344, 354, 371, 434; 1909, 118, 280; 1910, 513.)

Act relative to state and military aid and to the burial of indigent soldiers and sailors. St. 1909, 468.

As to certain expenses of instructors, etc., see St. 1909, 280.

Provision for teams in rifle contests. St. 1909, 300.

Chapter 18. — General Provisions relative to State Officers.

SECT. 6 amended. St. 1910, 452. List of officials and employees to be printed annually. St. 1910, 268; 1911, 43.

SECT. 10. Commonwealth to repay charge of surety company for suretyship. St. 1908, 469.

SECT. 13 revised. St. 1903, 229 § 1. (See 1910, 473.) Treasurers and disbursing officers of state institutions shall keep an office and books. St. 1908, 195.

SECT. 14 repealed. St. 1903, 229 § 2.

No public officer or body, or member thereof, shall interfere with employment in public service corporations. St. 1903, 320; 1908, 228.

SECT. 16 amended. St. 1904, 295.

Chapter 19. — Of the Civil Service.

Extensions of the provisions of this chapter. St. 1903, 102; 1904, 143; 1907, 292; 1909, 382; 1910, 624 § 1; 1911, 468. Limitations. St. 1902, 413; 1904, 430; 1908, 185; 1909, 311, 432 § 1, 453 § 2; 1911, 550 § 19. Res. 1911, 142.

Removals and suspensions regulated. St. 1904, 314; 1905, 243; 1906, 210; 1907, 272; 1911, 624. (See 1900, 69 § 3; 1904, 288; 1907, 245, 458; 1909, 405 § 1.)

Acts to establish pension systems. St. 1911, 532, 553, 634.

Act relative to posting notices of examinations. St. 1906, 277.

Provision for publicity in certain cases. St. 1906, 306.

No public officer or body, or member thereof, shall interfere with employment in public service corporations. St. 1903, 320; 1908, 228. (See 1904, 343 § 1.)

A board of publication is established. St. 1902, 438.

SECT. 1 amended. St. 1906, 159 § 1; 1907, 344; 1910, 608.

SECT. 2 amended. St. 1907, 454. Additional employees. St. 1906, 465 § 1; 1910, 184, 204. (See 1908, 195.)

SECT. 4 *et seq.* See St. 1906, 277.

SECT. 5 amended. St. 1902, 308.

SECT. 6 *et seq.* Acts relative to civil service rules and regulations. St. 1904, 198; 1909, 382. (See also 1904, 194.)

SECT. 9. Exemptions. St. 1907, 245.

SECTS. 10, 11. See St. 1908, 210; 1909, 332.

SECT. 12 amended. St. 1911, 119.

SECT. 13 amended. St. 1911, 63. (See 1911, 119.)

SECTS. 21, 22 limited. St. 1902, 413; 1904, 430; 1908, 185; 1909, 311, 432 § 1.

SECT. 23 extended. St. 1904, 314. Amended. St. 1905, 150; 1910, 500. Limited. St. 1909, 311, 453 § 2. Retirement pension of veterans. St. 1907, 458; 1909, 398; 1910, 459. (See 1911, 725.)

SECT. 26 *et seq.* See St. 1907, 560 §§ 119-126; 1908, 88.

SECT. 30 *et seq.* See St. 1907, 581.

SECT. 34 revised. St. 1910, 359.

SECT. 36 amended. St. 1902, 544 § 3.

SECT. 37. See St. 1903, 102; 1904, 143, 288.

Chapter 20. — Of Counties and County Commissioners.

Retirement system for county employees. St. 1911, 634.

County commissioners authorized to kill sheep-worrying dogs in certain cases. St. 1902, 226; 1904, 127. Provision for bounty for killing a wild-cat or Canada lynx. St. 1903, 344 § 1. Damages caused by wild deer. St. 1903, 407; 1909, 396.

SECT. 1. Muskeget and Gravelly islands annexed to Nantucket. St. 1887, 88.

SECT. 7. See St. 1909, 271.

SECTS. 8, 9 in part repealed. St. 1911, 581 § 4. (See 1911, 587.)

SECT. 14. Salaries classified and established. St. 1904, 451 § 1; 1905, 179; 1906, 290 § 1; 1910, 537; 1911, 299. (See 1902, 411, 544 § 4.) Last sentence amended. St. 1911, 162.

SECT. 16 amended. St. 1908, 431 § 1.

SECT. 17 revised. St. 1908, 431 § 2.

SECT. 19 revised. St. 1908, 431 § 3.

SECT. 20 limited. St. 1908, 640 § 6.

SECT. 24 *et seq.* See St. 1902, 226; 1903, 243, 344; 1906, 463 I § 23, II §§ 117, 122; 1908, 542, 552, 606 §§ 5-7; 1909, 47 § 1, 213, 398; 1910, 459.

SECT. 27. Provision to secure persons furnishing materials or labor on public works. St. 1904, 349; 1909, 514 § 23. (See 1907, 188.)

SECT. 30. See St. 1904, 317.

Chapter 21. — Of County Treasurers, the Controller of County Accounts and County Finances.

Retirement system for county employees. St. 1911, 634.

SECT. 1. See St. 1904, 451 § 4; 1907, 560 § 307, Par. 2; 1908, 391.

SECT. 2 amended. Salaries classified and established. St. 1904, 451 §§ 1, 5; 1905, 179; 1911, 299. Middlesex. St. 1906, 290 § 1.

SECT. 3. Clerical assistance: Bristol, St. 1906, 398; 1909, 283. Essex, 1911, 270 § 1. (See 1905, 322 § 1.) Hampden, 1908, 349. (See 1905, 163.) Hampshire, 1911, 122. Middlesex, 1911, 270 § 1. (See 1905, 322 § 2.) Norfolk, 1907, 231. (See 1905, 332 § 1.) Worcester, 1908, 352.

SECT. 9 *et seq.* Future issues of county bonds, notes, etc., to be exempt from taxation in Massachusetts, if so stated upon their faces. St. 1908, 464 § 1; 1909, 490 I § 5. (See 1909, 271.)

SECT. 19. See St. 1907, 560 § 307; 1908, 391.

SECT. 20. See St. 1904, 277 § 2.

SECT. 21. See St. 1908, 464; 1909, 136, 148.

SECT. 22 amended. St. 1911, 36.

SECTS. 25-28. See St. 1911, 634.

SECT. 27 amended. St. 1911, 447.

SECT. 39. Non-interest-bearing notes may be issued and sold at a discount. St. 1904, 153.

SECT. 44. See St. 1909, 271.

SECT. 48 amended. St. 1911, 35.

Chapter 22. — Of Registers of Deeds.

Provision for registers *pro tempore*. St. 1909, 213.

SECT. 7 amended. St. 1902, 544 § 5.

SECTS. 8, 9-12. Additional assistant in Suffolk. St. 1908, 612. (See 1909, 213.)

SECT. 9. See St. 1907, 225 § 2.

SECT. 12 amended. St. 1906, 67 § 1. (See 1907, 225 § 1.)

SECT. 13. See St. 1909, 271; 1910, 373, 473.

SECT. 14. See St. 1910, 376.

SECT. 18. See St. 1907, 225.

SECT. 21 *et seq.* See St. 1909, 271.

SECTS. 22, 23 affected. St. 1909, 160.

SECT. 24. See St. 1907, 225.

SECT. 31 amended. Powers of commissioners increased. St. 1902, 422.

SECT. 32 amended. Salaries classified and established. St. 1904, 452 §§ 1, 3.

Provision for future readjustments of salaries. St. 1904, 452 § 2.

SECT. 33. Provision for estimate of expense in Suffolk. St. 1909, 271; 1910, 373.

SECT. 34. Certain moneys to be deposited. St. 1911, 36.

Chapter 23. — Of Sheriffs.

Term of office. St. 1910, 246. (See 1909, 560 § 350.)

Sheriff of any county except Suffolk may remove prisoners to and from jail and house of correction. St. 1909, 312.

SECT. 1. See St. 1908, 195, 469.

SECT. 2. See St. 1906, 147; 1907, 312.

SECT. 17. Tenure of office. St. 1906, 147.

SECT. 18. Salaries changed: Essex, St. 1907, 254. Franklin, 1902, 359. Hampden, 1906, 233. Hampshire, 1908, 442. Norfolk, 1908, 446. Plymouth, 1902, 436. Worcester, 1908, 397.

SECTS. 20, 21. Provision for estimate of expenses in Suffolk. St. 1909, 271; 1910, 373.

Chapter 24. — Of Medical Examiners.

SECT. 2 amended. St. 1911, 365.

SECT. 7 amended. St. 1908, 424 § 1.

SECT. 9 extended. St. 1911, 274.

SECT. 10 amended. St. 1909, 273 § 1.

SECT. 11 amended. St. 1904, 119; 1909, 273 § 2.

Chapter 25. — Of Towns and Town Officers.

Provision for treatment or purification of sewage, St. 1909, 433.

Provision for boards of survey. St. 1907, 191.

Act to determine disposition of premiums on municipal bonds. St. 1910, 379.

Certain towns must establish and maintain isolation hospitals for dangerous diseases. St. 1911, 613. (See 1906, 365; 1909, 391.) And tuberculosis dispensaries. St. 1911, 576. (See 1911, 597.)

Town may provide for choice of a moderator for one year. St. 1902, 346. For appointment of a town accountant. St. 1910, 624. Inspector of petroleum. St. 1911, 204. May provide industrial schools. St. 1911, 471 § 4. (See 1906, 505; 1908, 572; 1909, 540.) For an advisory or finance committee. St. 1910, 130 § 1. May establish a rifle range. St. 1908, 256. Public gymnasiums, baths, etc. St. 1908, 392. An art commission. St. 1911, 146. Town may appropriate money for observance

of "old home week or day." St. 1902, 109; 1907, 311. And, not exceeding \$500, for band concerts. St. 1904, 152; 1908, 290. For propagation and cultivation of shellfish. St. 1904, 282 § 1; 1909, 469. Employment of nurses. St. 1911, 72. Removal of snow and ice from sidewalks in certain cases and assess cost on abutting estates. St. 1902, 205. Monuments to soldiers and sailors of the revolution. St. 1903, 116. (See 1910, 90.) Certain pensions. St. 1907, 186; 1908, 498; 1910, 619. Maintenance of highways, with neighboring city or town. St. 1907, 196. Improvement of harbors, etc. St. 1909, 481. Towns may regulate and license junk collectors. St. 1902, 187. May grant permits in certain cases for transportation of intoxicating liquors. St. 1906, 421 § 2. May contribute toward expense of state highways. St. 1904, 125. May regulate speed of automobiles and motor cycles, and use thereof in certain ways. St. 1909, 534 § 17. (See 1903, 473 § 14; 1905, 366 § 1; 1906, 412 § 9; 1908, 263, 467.) May license lunch wagons. St. 1908, 360. (See 1905, 311; 1906, 353, 412; 1907, 203, 494.) May establish hours of labor of fire department. St. 1904, 315; 1909, 514 § 44. May provide for care of neglected burial grounds. St. 1902, 389. May restrict catching of pickerel. St. 1905, 417. And lobsters. St. 1909, 265. May regulate renting of boats or bathing suits for use on great ponds. St. 1910, 400. Selectmen may authorize street railway companies to take land for certain purposes. St. 1903, 476 § 1. Towns having no electric light may contract therefor with street railway companies. St. 1902, 499; 1906, 218. (See 1906, 463 III § 59.) Provision for suppressing elm leaf beetles and gypsy and brown-tail moths. St. 1902, 57; 1905, 381; 1906, 268; 1907, 521; 1908, 591; 1910, 150; 1911, 474. (See 1909, 263; 1911, 242.) Bounty to be paid for killing a wild-cat, Canada lynx or loup-cervier. St. 1903, 344 § 1. As to damages caused by wild deer, see St. 1903, 407; 1905, 419; 1908, 377; 1909, 396. Act for protection of forest or sprout land from fire. St. 1908, 209. (See 1907, 475; 1909, 394 § 2, 422.) Provision for repayment to certain towns of part of cost of apparatus to prevent or extinguish forest fires. St. 1910, 398. For protection of sources of water supply. St. 1908, 499. Provision for public playgrounds in certain cities and towns. St. 1908, 513. For sanitary stations in certain towns. St. 1911, 596. For encouraging and promoting building and use of tuberculosis hospitals. St. 1911, 597. Disposition of certain disabled horses. St. 1908, 133.

No town or town official shall publish names of persons aided by poor department. St. 1910, 412.

Act relative to the supervision of the business of plumbing. St. 1909, 536.

Acts relative to taking land in certain cases by right of eminent domain. St. 1904, 443; 1905, 390. Act relative to common landing places. St. 1908, 606.

Cities and towns authorized to establish municipal building insurance funds. St. 1905, 191; 1907, 576 § 102.

SECT. 13 extended. St. 1907, 232 § 1.

SECT. 14 amended. St. 1902, 544 § 6. (See 1908, 360, 499.)

SECT. 15. Par. 4, see St. 1903, 400. Par. 5, see St. 1904, 125; 1907, 196. Par. 13 amended, 1903, 116; 1910, 90. Par. 15, see St. 1903, 483. See, also, St. 1908, 290, 392, 498.

SECT. 16. See St. 1902, 57; 1905, 381; 1906, 268; 1907, 521; 1908, 591; 1909, 444.

SECT. 18 amended. St. 1908, 91.

SECT. 22 amended. St. 1909, 289. (See 1908, 452.)

SECT. 23. Par. 1, see St. 1910, 565 § 2. Par. 4, see St. 1902, 205. Par. 7, see St. 1903, 383 § 3. Par. 8, see St. 1903, 459; 1909, 103 § 1.

SECT. 24. See St. 1903, 473 § 14; 1905, 366 § 1.

SECT. 26 revised. By-laws to be approved by attorney-general and published three times. St. 1904, 344 § 1. (See 1904, 344 § 2; 1905, 144; 1910, 130 § 2.)

SECT. 27. Repeal and substitute. St. 1907, 117; 1908, 142.

SECT. 28. See St. 1911, 136.

SECT. 29. See St. 1910, 412, 598.

SECT. 31 *et seq.* Towns and cities may authorize laying of pipes and conduits for conveyance of water. St. 1903, 459. And for heating and power. St. 1909, 103 § 1.

SECT. 35. Extended to purchase of water. St. 1902, 361.

SECT. 37. See St. 1905, 266.

SECT. 39 affected. St. 1910, 405.

SECT. 44. See St. 1909, 371 § 6.

SECT. 45 *et seq.* See St. 1904, 317, 443.

SECT. 49. See St. 1905, 266.

SECT. 52. See St. 1906, 463 III §§ 64-66; 1911, 442, 481.

SECT. 54. See St. 1902, 449.

SECT. 55. See St. 1911, 339.

SECT. 57. Repeal and substitute. St. 1909, 514 §§ 22, 145. (See 1904, 349.)

SECT. 59 *et seq.* See St. 1904, 364; 1905, 317 § 2; 1906, 277; 1908, 209 § 3, 306 § 3, 402 § 2, 484 §§ 2, 4; 1911, 325 § 1, 614, 727 § 22.

SECT. 65 affected. St. 1907, 191 § 1, 560 § 371, 579 § 1.

SECT. 68. See St. 1907, 560 § 371, 579 § 1.

SECT. 69 amended. St. 1909, 517 § 3. (See 1908, 550; 1909, 492.)

SECT. 72 *et seq.* See St. 1904, 458 § 3; 1910, 379, 624 §§ 2, 5.

SECT. 74 amended. St. 1904, 277 § 1. Police officer or treasurer may prosecute for fines, etc. St. 1904, 277 § 2.

SECT. 75. See St. 1908, 99.

SECTS. 76-78. Provision for special collector. St. 1910, 272. For reimbursing towns for loss of taxes on land used for public institutions. St. 1910, 607.

SECT. 79. Certain trust accounts to be audited. St. 1904, 322. (See 1906, 296 § 1.) Provision for town accountants. St. 1910, 624; 1911, 207.

SECTS. 81-83. Act to authorize establishment of board of survey. St. 1907, 191. (See 1907, 560 § 364; 1908, 552; 1911, 222.)

SECT. 83. See St. 1902, 57.

SECT. 84. See St. 1909, 433.

SECT. 87. Inspectors of milk. St. 1909, 405. (See 1911, 278.)

SECT. 94. Policemen and firemen may be pensioned. St. 1904, 327. (See 1911, 137.) And their widows. St. 1907, 186. Provision for license to carry loaded pistol. St. 1906, 172 § 1; 1908, 350; 1911, 548. Vacations for policemen. St. 1908, 476; 1911, 210, 625. (See 1909, 302, 346 § 2.)

SECT. 95. See St. 1909, 490 II § 13, 512.

SECT. 99. See St. 1909, 514 § 37.

SECT. 100. See St. 1908, 464; 1911, 339.

Chapter 26. — Of Cities.

Contracts made by cities shall be open to inspection by the public. St. 1907, 343; 1909, 201.

Provision for reimbursing cities for loss of taxes on lands used for public institutions. St. 1910, 607.

Act to determine disposition of premiums upon municipal bonds. St. 1910, 379.

Provision for treatment or purification of sewage. St. 1909, 433. Inspection of milk. St. 1909, 405. (See 1911, 278.) Inspection of petroleum. St. 1911, 204. For sanitary stations. St. 1911, 596. To encourage and promote building and use of tuberculosis hospitals. St. 1911, 597.

Cities must provide a place for preservation of certain public documents. St. 1907, 117; 1908, 142. Isolation hospitals for dangerous diseases. St. 1911, 613. (See 1906, 365 § 1; 1909, 391.) And tuberculosis dispensaries. St. 1911, 576. (See 1911, 167.) No city or city official shall publish names of persons aided by poor department. St. 1910, 412.

Cities and towns authorized to establish municipal building insurance funds. St. 1905, 191; 1907, 576 § 102. To establish industrial schools. St. 1906, 505 § 3. (See 1908, 572; 1909, 540.) Art commissions. St. 1911, 146. A rifle range. St. 1908, 256. Provision for suppressing elm leaf beetles and gypsy and brown-tail moths. St. 1902, 57; 1905, 381; 1906, 268; 1907, 521; 1908, 591; 1910, 150; 1911, 474. (See 1909, 263; 1911, 242.) For disposition of disabled horses. St. 1908, 133.

City may appropriate money for observance of "home week." St. 1902, 109. For memorials of persons who served in Spanish-American war. St. 1902, 286. And war of the revolution. St. 1903, 116. Care of neglected burial grounds. St. 1902, 389. Propagation and cultivation of shellfish. St. 1904, 282 § 1. (See 1909, 265.) Maintenance of highway, with neighboring city or town. St. 1907, 196. May contribute toward expense of state highways. St. 1904, 125. May regulate and license junk collectors. St. 1902, 187. And renting of boats or bathing suits for use on great ponds. St. 1910, 400. Lunch wagons. St. 1908, 360. May regulate speed of automobiles and motor cycles, and use thereof in certain ways. St. 1909, 534 § 17. (See 1903, 473; 1905, 311, 366; 1906, 353, 412; 1907, 203, 494, 580; 1908, 263, 467.) May establish hours of labor of fire department. St. 1904, 315; 1909, 514 § 44. Provision for pensions in certain cases. St. 1907, 196; 1908, 498; 1910, 619. (See 1911, 113,

413.) Aldermen may authorize street railway companies to take land for certain purposes. St. 1903, 476 § 1. (See 1906, 463 III § 59.) Cities may authorize laying of pipes and conduits for conveyance of water. St. 1903, 459. May grant permits in certain cases for transportation of intoxicating liquors. St. 1906, 421 § 2.

Acts relative to taking land in certain cases by right of eminent domain. St. 1904, 443; 1905, 390.

SECT. 2. See St. 1904, 349; 1906, 277, 296 § 1; 1908, 552; 1910, 412; 1911, 325 § 1, 614.

SECT. 7. Overseers of the poor to be elected for three years in certain cities. St. 1902, 444.

SECTS. 7, 8. See act relative to term of office of municipal auditors. St. 1905, 373. And of police officers. St. 1906, 210; 1907, 272.

SECT. 15. See St. 1906, 277 § 2.

SECT. 19. See St. 1906, 210; 1907, 272; 1908, 476.

SECT. 21 amended. St. 1910, 261. Cities (except Boston) may provide annuities for widows and minor children of police officers who die from injuries received in discharge of duty. St. 1902, 437. (See 1903, 312, 428; 1909, 188.) Vacations for policemen. St. 1908, 476; 1911, 210, 625.

SECT. 22. See St. 1907, 577.

SECT. 26 amended. St. 1909, 440 § 2. Affected. St. 1909, 289.

SECT. 28. See St. 1903, 457; 1904, 371.

SECT. 33 limited. St. 1908, 48.

SECT. 37. See St. 1911, 339.

SECT. 39. See St. 1909, 346 § 2, 394 § 2.

SECT. 40. See St. 1906, 291 § 10; 1910, 405.

Chapter 27. — Of Municipal Indebtedness.

Act to determine disposition of premiums on municipal bonds. St. 1910, 379.

Contracts made by cities shall be open to public inspection. St. 1907, 343; 1909, 201.

Provision for installation of a system of accounts by director of bureau of statistics. St. 1910, 598. For town accountants. St. 1910, 624; 1911, 207.

Cities and towns authorized to establish municipal building insurance funds. St. 1905, 191; 1907, 576 § 102.

SECT. 3. See St. 1902, 325; 1905, 191 § 2; 1907, 576 § 103.

SECT. 5 revised. St. 1908, 341 § 2.

SECTS. 6, 10. Notes may be non-interest bearing and sold at a discount. St. 1904, 153. (See 1908, 250 § 2, 464, 594; 1909, 136, 148.)

SECT. 9. Act relative to form of notes. St. 1910, 616.

SECTS. 9, 10. Provision for registration of bonds, etc., held by the Commonwealth. St. 1909, 136 § 1. For disposition of premiums on bonds. St. 1910, 379.

SECT. 10 amended. St. 1908, 250 § 1.

SECT. 11 amended. "Parks" added. St. 1903, 375.

SECTS. 12-19. See St. 1910, 379 §§ 2, 3.

SECT. 13 amended. St. 1908, 341 § 1; 1911, 350 § 1. (See 1909, 486 § 26, 490 I § 96; 1910, 437; 1911, 165.)

SECTS. 13, 14, 15. See St. 1902, 325; 1911, 463.

SECT. 15. See St. 1905, 191 § 3; 1907, 576 § 104.

SECT. 19. See St. 1903, 226; 1907, 474 § 13.

Chapter 23. — Of Public Parks, Playgrounds and the Public Domain.

Provision for an art commission. St. 1910, 422.

Provision for public playgrounds in certain cities and towns. St. 1908, 513.

Power boats must display lights at night in certain waters. St. 1910, 397.

Act relative to alteration of name of a public park in certain cases. St. 1909, 134.

The taking of land in certain cases by right of eminent domain is regulated. St. 1904, 443; 1905, 390. (See 1902, 521 § 1 [17]; 1904, 317 1905, 266.)

Office of state forester established and duties prescribed. St. 1904, 409; 1907, 473; 1909, 263, 452. (See 1907, 475; 1908, 209; 1909, 394, 422; 1910, 153, 236; 1911, 244, 474, 722.) Provision for reforestation. St. 1908, 478. (See 1909, 197.)

As to metropolitan parks, see St. 1893, 407; 1894, 288; 1895, 450; 1896, 465; 1898, 473, 531; 1899, 400, 406, 419; 1900, 413, 475; 1901, 83, 146, 380; 1902, 77, 166, 172; 1903, 158, 290, 429, 465; 1904, 170, 236, 237, 431; 1905, 366, 456, 457; 1906, 336, 353 § 4, 368, 375; 1907, 404, 433, 449; 1908, 158, 195, 301, 324, 476, 651; 1909, 145, 362, 453, 524; 1910, 582, 585, 628; 1911, 463, 498, 541.

SECT. 1 amended. St. 1902, 544 § 7.

SECTS. 2, 3. See St. 1903, 158, 331 § 1; 1905, 205.

SECT. 8. See St. 1905, 266.

SECT. 10 amended. St. 1908, 341 § 3.

SECT. 17. See St. 1908, 590 § 51.

SECT. 19 revised. St. 1910, 508 § 1.

SECTS. 19-22. See St. 1908, 513.

SECT. 20 amended. St. 1910, 508 § 2.

SECT. 25. See St. 1902, 57, 495; 1904, 409; 1905, 381; 1906, 268; 1911, 242.

Chapter 29. — Of the Returns and Registry of Births, Marriages and Deaths.

Provision for printing and preserving certain town records. St. 1902, 470.

SECT. 1 amended. St. 1910, 322 § 1.

SECT. 3 amended. St. 1910, 93 § 1.

SECT. 5 amended. St. 1910, 93 § 2.

SECT. 6. See St. 1905, 330 § 1.

SECT. 10 amended. St. 1910, 322 § 2.

SECT. 13 amended. St. 1910, 93 § 3. (See 1910, 249.)

SECT. 18 amended. St. 1903, 305 § 1; 1906, 415 § 1.

SECT. 22 amended. St. 1902, 544 § 8.

Chapter 30. — Of Workhouses and Almshouses.

SECT. 1. See St. 1903, 400; 1905, 162. Offenders not to be confined or associate with paupers. St. 1904, 274; 1905, 348 § 1. (See 1905, 344.)

Chapter 31. — Of Watch and Ward.

SECT. 2. See St. 1910, 436.

Chapter 32. — Of the State Fire Marshal, Fires, Fire Departments and Fire Districts.

Offices of state fire marshal, deputy and subordinates abolished and department transferred to district police. St. 1902, 142; 1903, 365. (See 1904, 370, 433; 1905, 247, 280, 461; 1909, 432; 1910, 179, 223; 1911, 477.)

Liberating or flying fire balloons prohibited. St. 1910, 141.

Provision for a State fire warden. St. 1911, 722.

SECTS. 1-8. See St. 1910, 328.

SECT. 13. See St. 1905, 266.

SECT. 15 *et seq.* Name changed to forest wardens. St. 1907, 475 § 5. (See 1911, 244, 722.) Provision for protection of forest or sprout lands from fire. St. 1907, 475; 1908, 209; 1909, 394; 1911, 244, 722. Provision for repayment to certain towns of part of cost of preventing or extinguishing forest fires. St. 1910, 398.

SECT. 16 amended. St. 1907, 475 § 1.

SECTS. 17, 18, 22 repealed. St. 1907, 475 § 10.

SECT. 20 amended. St. 1907, 475 § 3. (See 1907, 299.)

SECT. 24. See St. 1908, 209; 1911, 244.

SECT. 26 *et seq.* See St. 1904, 194, 315, 327; 1911, 352.

SECT. 37. Extended to hospital ambulances. St. 1904, 161. (See 1889, 57.) Firemen's parades authorized in certain cases. St. 1906, 139.

SECT. 45. See St. 1908, 133.

SECT. 49 amended. St. 1906, 63 § 1.

SECT. 59 *et seq.* See St. 1908, 594; 1909, 136, 148; 1910, 137, 379.

SECT. 67 revised. St. 1908, 98.

SECTS. 71, 72. Amount increased. St. 1902, 108; 1906, 171.

SECT. 73 revised. St. 1903, 253 § 1; 1911, 90.

SECT. 77. See St. 1910, 261.

SECT. 81 amended. St. 1906, 476 § 1. (See 1904, 327; 1907, 186.)

Chapter 33. — Of Fences and Fence Viewers, Pounds and Field Drivers.

SECT. 26. See St. 1905, 266.

Chapter 34. — Of the Manufacture and Distribution of Gas and Electricity by Cities and Towns.

SECT. 1, in part, repealed. St. 1906, 463 III § 158. (See 1902, 449; 1906, 218, 463 III § 59 *et seq.*)

SECT. 7 revised. St. 1908, 341 § 4.

SECT. 10 amended. St. 1903, 255 § 1.

SECT. 11 revised. St. 1905, 410 § 1. (See 1905, 410 § 7; 1906, 422.)

SECT. 12 revised. St. 1905, 410 § 2.

SECT. 18 repealed and superseded. St. 1909, 173.

SECT. 20 revised. St. 1905, 410 § 3.

SECT. 21 revised. St. 1905, 410 § 4; 1906, 411 § 1; 1908, 486.

SECT. 27 revised. St. 1905, 410 § 5.

SECT. 28. See St. 1905, 266.

SECT. 29 revised. St. 1905, 410 § 6.

SECT. 32 (new) added. St. 1905, 410 § 7.

Chapter 35. — Of the Public Records.

Certain public records in Norfolk to be transferred to Essex. St. 1902, 311 § 1.

SECT. 3. See St. 1902, 470 § 1.

SECT. 5. See St. 1903, 177.

SECT. 5 *et seq.* Act providing for attesting and certifying public records in certain cases. St. 1907, 225.

SECT. 9 amended. St. 1908, 57.

SECTS. 12, 14. As to custody of records deposited elsewhere than where they originally belonged, see St. 1902, 311 §§ 2, 3.

SECT. 17 limited. St. 1903, 177; 1905, 330 § 3.

SECT. 23 amended. St. 1903, 177 § 1.

Chapter 36. — Of Parishes and Religious Societies.

SECT. 27 amended. St. 1905, 167.

SECT. 52 amended. St. 1911, 261.

Chapter 38. — Of Libraries.

SECTS. 2-5. See St. 1904, 209.

SECT. 4. See St. 1903, 442; 1906, 428, 527; 1907, 278, 279, 280, 281.

SECTS. 6-8. See St. 1911, 140.

SECT. 11 affected. St. 1910, 396 § 1.

SECT. 11 *et seq.* See St. 1902, 470 § 1.

SECT. 12 amended. St. 1910, 396 § 2. (See 1908, 195.)

SECT. 15. Provision for annual expenditure. St. 1906, 183.

Chapter 39. — Of the Board of Education.

Act to consolidate the board of education and the commission on industrial education. St. 1909, 457; 1910, 282; 1911, 466.

Board to appoint a commissioner of education and deputies. St. 1910, 282, 1911, 466. (See 1909, 457 § 3.)

Act relative to State-aided vocational education. St. 1911, 471.

Acts relative to the employment of school teachers through the board of education. St. 1906, 399; 1907, 213; 1911, 375, 731 § 1. (See 1908, 427.)

Board may provide transportation for children in certain cases. St. 1903, 483. They may form or adjust unions of towns for employment of superintendents. St. 1903, 299. And determine their qualifications. St. 1904, 215.

SECT. 2 amended. St. 1904, 234 § 1.

SECTS. 3, 4, 9, 12, 13, 14, 15, 16 repealed. St. 1904, 234 § 3. (See 1903, 456 § 4; 1906, 502 § 6; 1908, 189, 411.)

SECT. 6 amended. St. 1909, 457 § 4.

SECT. 9. See St. 1906, 200; 1908, 427; 1911, 375.

SECT. 10. See St. 1908, 257.

SECT. 15. See St. 1906, 399 § 2.

SECTS. 19-21. See St. 1906, 385.

SECT. 20. See St. 1905, 211 § 1.

Chapter 40. — Of Teachers' Institutes and Associations.

SECTS. 2, 6 in part repealed. St. 1903, 456 § 4.

SECT. 4 amended. St. 1904, 383 § 1; 1905, 260 § 1.

SECT. 5 repealed. St. 1905, 260 § 2.

Chapter 41. — Of the School Funds.

As to technical education fund, see St. 1904, 174.

SECTS. 4, 5 repealed and new provisions made for distribution of income of the school fund. St. 1903, 456; 1904, 107. (See 1904, 189.)

Chapter 42. — Of the Public Schools.

Provision for appointment of school physicians. St. 1906, 502; 1908, 189, 412; 1910, 257 §§ 1, 2.

Acts relative to the employment of school teachers through the board of education. St. 1906, 399; 1907, 213; 1911, 375, 731 § 1. (See 1908, 427.)

Provisions for schools in Boston. St. 1889, 297; 1895, 408; 1897, 202, 442; 1898, 400; 1899, 362; 1900, 235, 237; 1901, 448, 473; 1902, 386; 1903, 170; 1904, 212, 376; 1905, 349, 392; 1906, 205, 231, 259, 318, 489 § 8; 1907, 295, 357, 450; 1908, 524, 589; 1909, 120, 223, 388, 446, 537; 1910, 617; 1911, 708.

Act relative to use of school halls for other than school purposes. St. 1911, 367.

Provision for schools for the blind. St. 1906, 385 §§ 4-6. For industrial and vocational education. St. 1906, 505; 1908, 572, 639; 1909, 457, 472, 489, 540; 1911, 471, 605. (See 1910, 567.) For a state school for the feeble-minded. St. 1909, 504 §§ 59-65. (See 1906, 508; 1907, 421; 1908, 629.)

SECT. 1 amended. St. 1908, 181; 1910, 524; 1911, 247.

SECT. 3 amended. St. 1902, 433; 1906, 200; 1908, 427; 1911, 537.

SECT. 8. See St. 1903, 299.

SECT. 10 repealed. St. 1906, 505 § 8.

SECT. 11. See St. 1911, 241.

SECTS. 11, 13. See St. 1911, 309.

SECT. 14. See St. 1904, 172.

SECT. 20. See St. 1905, 328; 1908, 354.

SECTS. 25-39. School committees authorized to exhibit school work in certain cases. St. 1904, 172. No member of school committee shall be eligible to position of teacher, master or superintendent of public schools of the town or district. St. 1904, 173. Pension funds for teachers. St. 1908, 498.

SECTS. 27, 34. Acts relative to authority of school committees. St. 1906, 251, 399; 1911, 309, 314, 367.

SECT. 28. See St. 1906, 399; 1908, 498; 1911, 731.

SECT. 30 repealed. St. 1903, 456 § 4. (See 1904, 107.)

SECT. 34 amended. St. 1910, 201.

SECT. 39. See St. 1904, 107 § 2.

SECTS. 40, 41, 44 affected. St. 1911, 444.

SECT. 43 amended. St. 1911, 399. (See 1903, 299; 1906, 505 § 4.)

SECTS. 43-48. Board of education may form or adjust unions of towns. St. 1903, 299. And determine qualifications of superintendents. St. 1904, 215. (See 1911, 375, 731.)

SECT. 44 amended. St. 1911, 384.

SECT. 50 revised. St. 1911, 232. (See 1909, 229. Res. 1911, 5.)

Chapter 43. — Of School Registers and Returns.

SECT. 3. See St. 1910, 249.

Chapter 44. — Of School Attendance.

SECT. 1 amended. St. 1905, 320; 1906, 383. (See 1906, 413, 489; 1910, 249; 1911, 241.)

SECT. 3 amended. St. 1911, 268 § 1. (See 1911, 309.)

SECT. 4 amended. St. 1905, 375; 1911, 268 § 2.

SECT. 4 *et seq.* See St. 1903, 483.

SECT. 6 amended. St. 1906, 371 § 1; 1907, 215.

Chapter 45. — Of the Nautical Training School.

SECT. 5 amended relative to annual expenditure. St. 1903, 171 § 1. (See 1908, 195, 469.)

Chapter 46. — Of Truants and Truant Schools.

Act to provide for the commitment of habitual truants, habitual absentees and habitual school offenders. St. 1906, 389. (See 1906, 489, 499 § 3; 1907, 137, 158, 195, 411; 1908, 286; 1909, 514 §§ 57, 62-65; 1911, 202.)

Acts relative to wayward and delinquent children. St. 1906, 413, 489; 1907, 411; 1908, 637.

SECT. 1 amended. Franklin and Hampshire excepted. St. 1902, 256. (See 1906, 148; 1908, 103.)

SECTS. 3, 4, 5 revised. St. 1903, 330 §§ 1, 2, 3; 1904, 220 §§ 1, 2, 3; 1906, 389. (See 1906, 413, 489; 1908, 286.)

SECT. 8 amended. St. 1904, 220 § 4.

SECT. 9 amended. Jurisdiction transferred to board of trustees or county commissioners. St. 1903, 308 § 1.

SECT. 10 amended. St. 1903, 330 § 4.

SECT. 11. See St. 1903, 334 §§ 1-3; 1906, 389, 413, 489, 499 § 5, 501; 1907, 137, 158, 195.

SECT. 13. See St. 1904, 356; 1906, 499.

Chapter 47. — Of State Highways.

As to the Massachusetts highway commission, see St. 1904, 108, 117; 1906, 433; 1907, 446; 1908, 648; 1909, 134, 454, 464, 534 §§ 17, 18, 20, 24-27, 31; 1910, 487, 488, 511, 514, 646; 1911, 38, 184, 557, 677, 678. (See 1911, 578, 746.)

An act relative to shade trees on state highways. St. 1905, 279; 1908, 297. (See 1908, 296 § 4.)

Provision for expenses. St. 1902, 246; 1903, 280; 1904, 244; 1908, 642.

SECTS. 1, 2. Acts relative to motor vehicles and to the operation thereof. St. 1909, 534; 1910, 525, 605; 1911, 37. (See 1902, 315; 1903, 473; 1905, 311, 366; 1906, 353, 412; 1907, 203, 408, 494, 580; 1908, 263, 467, 642, 648; 1910, 516.)

SECT. 3. See St. 1906, 433 § 4; 1910, 514.

SECT. 5 amended. St. 1909, 464 § 1.

SECT. 6 amended. St. 1904, 108 § 1; 1909, 464 § 2. (See 1904, 117, 317, 443.)

SECT. 7. See St. 1910, 498.

SECTS. 9, 13. See St. 1905, 266.

SECT. 10. Towns and cities may contribute toward expense of construction. St. 1904, 125.

SECT. 11. See St. 1905, 279; 1910, 498.

SECT. 16. In part repealed. St. 1909, 454 § 2. (See St. 1903, 280 § 2; 1904, 244 § 1; 1908, 642 § 1; 1909, 534 § 3; 1910, 525, 605.)

SECT. 17 revised. St. 1908, 279.

SECT. 21. See St. 1905, 279; 1906, 463 III § 72; 1909, 134.

Chapter 48. — Of the Laying Out and Discontinuance of Ways and of Damages caused by the Taking of Land for Public Uses.

Provision for appeal in case of alteration of name of a public way, place or section or of any public park, where the name has been in use for twenty-five years. St. 1909, 134.

Act relative to common landing places. St. 1908, 606.

Provision for laying out, etc., of ways in towns by a board of survey. St. 1907, 191. And for maintenance by neighboring cities or towns. St. 1907, 196. As to maintenance of certain bridges, see St. 1908, 552.

An act relative to damages for the taking of property by right of eminent domain. St. 1904, 317. The taking of land in certain cases by right of eminent domain is regulated. St. 1904, 443; 1905, 390. (See 1902, 521 § 1.)

SECTS. 1-5. See St. 1890, 320 § 19; 1906, 260; 1907, 191.

SECT. 12. See St. 1907, 191 § 4.

SECTS. 13-16. See St. 1904, 317.

SECTS. 17-25, 26. See St. 1906, 463 II § 95; 1911, 741 § 21.

SECTS. 20, 26, 27. See St. 1905, 266.

SECT. 33. See St. 1909, 504 § 37.

SECT. 52 amended. Towns may be required to pay. St. 1903, 243. (See 1904, 125.)

SECTS. 54, 55 amended. St. 1908, 431 §§ 4, 5.

SECT. 68 *et seq.* See St. 1904, 317.

SECT. 85. See St. 1906, 463 III § 50.

SECT. 88. Ways in Suffolk. St. 1888, 397; 1891, 323; 1892, 401, 415 § 3, 418; 1895, 494; 1896, 237; 1897, 166, 167, 319, 394; 1898, 210, 252, 298, 566; 1899, 433, 443, 450; 1900, 478; 1901, 199, 465; 1902, 521; 1906, 214, 258. (See 1898, 540 § 2; 1903, 331 § 2; 1905, 205 § 1; 1908, 447.)

An act relative to Boston bridges. St. 1902, 224. (See 1904, 412.)

SECT. 90. See St. 1906, 463 II §§ 2, 7.

SECT. 97. See St. 1904, 117; 1906, 128.

SECT. 102. See St. 1911, 142.

SECT. 105 amended. St. 1910, 511 § 1.

SECT. 106 amended. St. 1910, 511 § 2.

SECT. 107 *et seq.* See St. 1904, 317; 1908, 499.

SECT. 114. See St. 1911, 741 § 21.

Chapter 49. — Of Sewers, Drains and Sidewalks.

Act to provide for treatment or purification of sewage. St. 1909, 433.

As to metropolitan water and sewerage system, see St. 1889, 439; 1895, 342, 406; 1897, 80, 81, 83, 88, 502; 1901, 168; 1902, 101, 189; 1903, 161, 242; 1905, 457; 1906, 235, 337, 338, 369, 404, 406, 457, 530; 1907, 165, 238.

As to Boston, see St. 1891, 323; 1892, 402; 1894, 227, 256; 1895, 297, 494; 1896, 237, 359; 1897, 426; 1898, 257; 1899, 450; 1900, 126, 478; 1901, 199; 1902, 521, 526; 1903, 268; 1907, 464.

Provision for separate systems of drainage for sewage and other waters. St. 1903, 383. (See 1907, 464.)

SECT. 1. See St. 1907, 191 § 4.

SECT. 2. See St. 1904, 317, 443; 1905, 266, 390.

SECT. 15 amended. St. 1907, 177 § 1; 1908, 356 § 1; 1910, 330 § 1.

SECT. 16 amended. St. 1908, 453.

SECT. 24 amended. St. 1907, 365.

SECT. 30. See St. 1903, 383 § 1.

SECTS. 43-45. Provision for apportionment of sidewalk assessments. St. 1908, 216.

Chapter 50. — Of Betterments and Other Assessments on Account of the Cost of Public Improvements.

Provision for authoritative ascertainment of municipal liens on real estate. St. 1907, 378; 1908, 299; 1909, 490 II § 20. (See 1911, 75.)

As to assessments in Boston, see St. 1902, 521 § 1, 527; 1903, 235.

SECT. 1. See St. 1904, 443 § 23; 1906, 463 III §§ 67-69.

SECT. 3. See St. 1904, 317.

SECT. 5. See St. 1911, 75.

SECT. 11 revised. St. 1902, 503.

SECTS. 15, 16. Provision for apportionment of sidewalk assessments. St. 1908, 216.

Chapter 51. — Of the Repair of Ways and Bridges.

Act relative to the maintenance of highways by neighboring cities or towns. St. 1907, 196. (See 1910, 525.) Relative to repair and maintenance of certain bridges. St. 1908, 552. (See 1911, 581, 587.)

Provision for paving private passageways in certain cities. St. 1894, 119; 1907, 256.

SECT. 1. See St. 1909, 289.

SECT. 18. See St. 1905, 266.

SECTS. 20, 21, 22 affected. St. 1908, 305. (See 1907, 204.)

SECT. 21 amended. St. 1910, 166 § 1.

Chapter 52. — Of Regulations and By-Laws relative to Ways and Bridges.

Advertising signs restricted in streets of Boston. St. 1895, 352; 1897, 413 § 6. Licenses for street stands in Boston. St. 1907, 584; 1909, 329.

Provisions for regulating use and operation of automobiles and motor vehicles. St. 1902, 315; 1909, 534; 1910, 525, 605; 1911, 37. (See 1903, 473; 1905, 311, 366; 1906, 353, 412; 1907, 203, 408, 494, 580; 1908, 263, 642, 648.)

All vehicles to carry lights at night. St. 1911, 578.

SECT. 1. See St. 1906, 234.

SECT. 5. See St. 1902, 205.

SECTS. 7, 8. Hospital ambulances shall have right of way in streets. St. 1904, 161.

Chapter 53. — Of the Boundaries of Highways and Other Public Places and Encroachments thereon.

SECTS. 6-11 repealed. St. 1910, 363 § 2. (See 1908, 296.)

SECT. 12 amended. St. 1908, 296 § 2; 1910, 321, 363. (See 1902, 57; 1904, 409; 1905, 279, 381; 1906, 268; 1908, 297.)

SECT. 13 amended. St. 1908, 296 § 3; 1910, 363.

SECT. 14 repealed. St. 1907, 475 § 10. (See 1908, 209; 1909, 394; 1910, 398; 1911, 244.)

SECT. 16. See Res. 1911, 5.

Chapter 54. — Of the Law of the Road.

Act relative to the law of the road. St. 1908, 512; 1911, 578.

Act requiring vehicles to carry a light at night. St. 1911, 578.

Acts regulating use and operation of motor vehicles. St. 1909, 534; 1910, 525, 605; 1911, 37. (See 1902, 315; 1903, 473 §§ 3-11; 1905, 311, 366; 1906, 353, 412, 433; 1907, 203, 408, 494, 580; 1908, 263, 467, 642, 648; 1910, 516; 1911, 477.)

Rights of way. Troops. St. 1905, 465 § 149. Hospital ambulance. St. 1904, 161.

Chapter 55. — Of Ferries and Canals.

Power boats must display lights at night in certain waters. St. 1910, 397.

Chapter 56. — Of the Regulation of Trade and the Inspection and Sale of Food.

Act to regulate manufacture, transportation, etc., and sale of articles in common use. St. 1911, 503.

Act to make uniform the law relating to the sale of goods. St. 1908, 237. (See 1910, 214.)

Act relative to sale of firearms. St. 1911, 495.

Acts relative to monopolies and discriminations in sale of articles or commodities in common use. St. 1908, 454; 1911, 503.

Provision for inspection of milk. St. 1909, 405, 443; 1910, 114, 457, 633 § 3. (See 1910, 641; 1911, 278.) Of petroleum. St. 1911, 204.

Act to regulate lease and sale of machinery, tools, implements and appliances. St. 1907, 469.

Proprietary drugs and foods. St. 1906, 386; 1907, 259; 1910, 387; 1911, 289, 341.

An act relative to wood alcohol. St. 1905, 220.

Labeling evaporated, concentrated or condensed milk. St. 1911, 610.

Misrepresentations as to merchandise for sale are made punishable. St. 1902, 397; 1907, 383. (See 1903, 415.)

SECTS. 3, 4 repealed. Office of inspector general of fish abolished, and powers and duties transferred to commissioners on fisheries and game. St. 1902, 138.

SECT. 5 repealed. St. 1903, 196 § 1.

SECT. 42 extended. St. 1910, 394.

SECTS. 42, 52. See St. 1908, 531 § 5; 1909, 405; 1910, 495; 1911, 218, 266.

SECT. 48 amended. Penalty changed. St. 1903, 361.

SECT. 51 amended. St. 1909, 405 §§ 1, 4; 1910, 114.

SECTS. 51, 52. See St. 1910, 394, 457, 633 § 3.

SECT. 52 amended. St. 1909, 405 §§ 2, 4.

SECTS. 53, 54 are revised. St. 1909, 443. (See 1909, 405 § 3.)

SECT. 55 *et seq.* See St. 1906, 116 §§ 1, 2, 323; 1908, 570; 1909, 531; 1910, 462.

Act to authorize incorporation of medical milk commissions. St. 1911, 506.

SECT. 56 revised. St. 1908, 643.

SECT. 56 *et seq.* Standard established for cream. St. 1907, 216.

SECT. 57 amended. St. 1910, 641 § 2.

SECT. 59. See St. 1906, 116 § 3, 323; 1908, 435.

SECTS. 61-64. See St. 1910, 394.

SECT. 62 amended. St. 1910, 641 § 1.

SECT. 65. See St. 1911, 610.

SECT. 65 *et seq.* Name of station changed to Massachusetts Agricultural Experiment Station. St. 1907, 66.

SECTS. 67, 68 amended. St. 1909, 425.

SECT. 70 affected. St. 1907, 243. Amended. St. 1908, 411 § 1. (See 1903, 220; 1908, 329; 1909, 471, 474; 1911, 297, 532.)

SECT. 71 amended. St. 1908, 411 § 2.

SECT. 72 amended. St. 1908, 411 § 3. (See 1910, 590.)

SECT. 73 limited. St. 1907, 293.

Chapter 57. — Of the Inspection and Sale of Various Articles.

Act relative to sale of firearms. St. 1911, 495.

Acts relative to paint, turpentine and linseed oil. St. 1908, 531; 1911, 218, 266.

Provision for penalty for giving false weight or measure. St. 1907, 394.

Inspection of petroleum. St. 1911, 204.

Baking powders to be labelled with names of ingredients. St. 1902, 540.

Acts relative to monopolies and to manufacture, sale, etc., of articles in common use. St. 1908, 454; 1911, 503.

SECT. 4 amended. St. 1909, 191.

SECT. 6 revised. St. 1908, 197.

SECTS. 11-17 revised. St. 1911, 388.

SECT. 11 *et seq.* Regulations for sale of concentrated feed stuffs. St. 1903, 122 §§ 1-10; 1904, 332 § 1. Of commercial fertilizers. St. 1911, 388.

SECT. 12. Name of station changed. St. 1907, 66.

SECT. 18. See St. 1907, 289; 1911, 388 §§ 7, 12.

SECT. 20 superseded. St. 1903, 122 § 11.

SECT. 22 amended. St. 1909, 350.

SECT. 24 revised. St. 1903, 408 §§ 1-3; 1905, 209; 1911, 380.

SECT. 25. See St. 1908, 237 § 6.

SECTS. 31, 39, 46, 60, 63, 91. See St. 1907, 394.

SECT. 39. Inspection and weighing to be made when required by vendee at the time. St. 1902, 459.

SECT. 66 revised. St. 1911, 600 § 1.

SECT. 67 revised. St. 1911, 600 § 2.

SECT. 69 repealed. St. 1911, 600 § 5.

SECT. 83. A woman or a non-resident may be appointed a weigher of coal. St. 1902, 159, 453 § 1.

SECT. 84 revised. St. 1907, 228 § 1. (See 1908, 237 § 6.)

SECT. 84 *et seq.* License required for dealer in coal or coke. St. 1903, 484.

SECT. 85 repealed. St. 1907, 228 § 2.

SECT. 86 revised. St. 1908, 205 § 1.

SECT. 87 amended. St. 1908, 205 § 2; 1909, 424 § 1.

SECT. 88 amended. St. 1902, 453 § 2; 1908, 304; 1910, 219 § 1.

SECT. 89 amended. St. 1902, 453 § 3; 1910, 219 § 2.

SECT. 91 amended. St. 1902, 453 § 4.

Chapter 58. — Of the Inspection of Gas and Gas Meters.

SECT. 1. Powers and duties of inspector transferred to board of gas and electric light commissioners. St. 1902, 228 § 1. (See 1906, 422.) Inspectors' salaries. St. 1908, 536 § 2. (See 1902, 228 § 6; 1907, 54 § 2; 1908, 529; 1909, 316, 477, 483.)

SECTS. 1, 2, 3, 4, 5, 6, 7. Repeal and substitute. St. 1902, 228; 1907, 54. (See 1908, 195, 469; 1909, 318.)

SECT. 9 superseded. St. 1909, 483 § 1.

SECT. 13 superseded. St. 1909, 483 § 2.

SECT. 14 superseded. St. 1909, 483 § 3. (See 1902, 228; 1903, 464, § 1.)

SECT. 19 superseded. St. 1909, 483 § 4.

Chapter 60. — Of the Survey and Sale of Lumber, Ornamental Wood and Ship Timber.

SECT. 1. See St. 1908, 195, 469.

SECT. 4 amended. St. 1902, 477 § 1.

SECT. 7 amended. St. 1902, 477 § 2.

SECTS. 9, 10, 11 repealed. St. 1902, 477 § 3.

Chapter 62. — Of Weights and Measures.

The provisions of this chapter are extended to weights, balances, etc., having a device to indicate price as well as weight. St. 1907, 535. And to certain devices for adjusting, testing, etc., used for hire or reward. St. 1909, 412 § 1.

Acts relative to the penalty for giving false weight or measure. St. 1907, 394; 1911, 160. (See 1909, 350.)

Provision for the testing and sealing of taximeters. St. 1909, 541.

SECTS. 2, 3. See St. 1903, 408 § 1.

SECT. 3 amended. St. 1902, 115; 1911, 397.

SECT. 4 amended. St. 1910, 297.

SECTS. 8-11 in part superseded and a State commission established. St. 1907, 534; 1910, 465; 1911, 632. (See 1902, 457; 1909, 424 § 2, 541 §§ 2, 3.)

SECTS. 12-20. County treasurers not to have custody of standard weights, etc., or to act as sealers. St. 1909, 310.

SECT. 17 amended. Provision charging expense to counties, cities and towns omitted. St. 1902, 539.

SECT. 18. Civil service rules to apply to certain appointments. St. 1909, 382.

SECT. 20 revised. St. 1907, 283, 534 § 3.

SECT. 21. See St. 1906, 323; 1909, 531; 1910, 462.

SECT. 21 *et seq.* See St. 1903, 408 § 2; 1905, 209; 1909, 412 § 2, 424 § 2, 541.

SECT. 22 revised. St. 1910, 209 § 1.

SECT. 29 *et seq.* Sealers to report to state commissioner. St. 1907, 534 § 5.

SECT. 32 revised. St. 1910, 209 § 2.

SECT. 33 revised. St. 1906, 215. (See 1907, 394.)

SECT. 43 amended. St. 1909, 531. See acts relative to sealing bottles or jars for milk, etc. St. 1906, 323; 1909, 531; 1910, 462.

Chapter 63. — Of the Metric System of Weights and Measures.

SECT. 3, 4, in part, superseded. St. 1907, 534 §§ 3, 4. (See 1907, 535.)

Chapter 64. — Of Auctioneers.

SECT. 6 *et seq.* Auction sales of horses in Boston restricted. St. 1904, 336; 1905, 426. And of certain lame or diseased horses. St. 1906, 185 §§ 1, 3. (See 1908, 237 § 21.)

SECT. 15. See St. 1908, 237 § 13 (4).

Chapter 65. — Of Itinerant Vendors, Hawkers and Pedlers.

SECT. 3. Provision for revocation of license. St. 1908, 208.

SECT. 9 amended. St. 1902, 544 § 9.

SECT. 15 revised. St. 1906, 345. (See 1905, 377.)

SECT. 17 amended. St. 1902, 531; 1906, 151; 1910, 419.

SECT. 19 revised. St. 1907, 571 § 1. (See 1905, 204.)

SECT. 19 *et seq.* Secretary may revoke license in certain cases. St. 1908, 208.

SECT. 21 repealed. St. 1907, 571 § 2. (See 1903, 432.)

Chapter 66. — Of Shipping and Seamen, Harbors and Harbor Masters.

Lines and regulations in certain harbors: Boston, St. 1882, 48; 1891, 309; 1892, 358 § 2; 1897, 486; 1898, 278; 1899, 469; 1901, 196; 1908, 579. Buzzard's Bay, 1898, 169. Charles River, 1897, 479; 1901, 245, 401. (See 1903, 465.) Chelsea, 1887, 344. Gloucester, 1882, 103; 1883, 109; 1885, 315; 1895, 106. Haverhill, 1883, 104; 1902, 313; 1905, 327. New Bedford, 1901, 243; 1903, 363.

Power boats must show lights at night in certain waters. St. 1910, 397.

SECTS. 1, 2 repealed. St. 1910, 526.

SECT. 6. See St. 1908, 579.

SECT. 17. See St. 1907, 229; 1910, 255.

SECT. 19 amended. St. 1909, 270 § 1. As to Boston, see St. 1889, 147; 1909, 270 § 2.

Chapter 67. — Of Pilots and Pilotage.

Fees established: Cohasset, St. 1887, 298. Salem and Beverly, 1887, 204. Winthrop, 1892, 114. Woods Hole, 1889, 275.

SECT. 17. See St. 1907, 490.

Chapter 68. — Of Agents, Consignees and Factors.

Uniform bills of lading act. St. 1910, 214.

SECTS. 2-4. Provision for dissolution of lien. St. 1907, 490.

SECTS. 4-6. See St. 1908, 237 §§ 23-30.

SECT. 6. See 1905, 324.

Chapter 69. — Of Public Warehouses.

Storage of liquors. St. 1911, 77, 88.

Act relative to goods stored with public warehousemen. St. 1909, 227.

Act to make uniform the law of warehouse receipts. St. 1907, 582.

Provision for dissolution of lien. St. 1907, 490. (See 1907, 582 § 34.)

Charges for storage of baggage by railroad corporations. St. 1907, 287; 1908, 504.

SECT. 7. See St. 1911, 77.

Chapter 70. — Of Common Carriers and Express Companies.

Obligations and rights of carriers upon bills of lading. St. 1910, 214, §§ 11-27.

Act relative to trustee process against common carriers. St. 1905, 324.

Acts to grant to the board of railroad commissioners supervisory powers over express companies. St. 1906, 266; 1908, 599.

Acts relative to taking of deposits for transmitting to foreign countries, or other purposes. St. 1905, 428; 1906, 408; 1907, 377; 1908, 493; 1909, 287, 450; 1910, 338; 1911, 358.

SECTS. 3, 4. See St. 1907, 539 § 2; 1908, 316.

Chapter 71. — Of Limited Partnerships.

SECT. 3. Names to be recorded in city or town clerk's office in certain cases. St. 1907, 539. (See 1908, 316.)

Chapter 72. — Of the Use of Labels, Trade-Marks and Names.

Provision as to labels on baking powders. St. 1902, 540. Drugs and patent foods. St. 1906, 386; 1907, 259.

SECT. 5. Names to be recorded in certain cases. St. 1907, 539. (See 1908, 316.)

SECTS. 7, 8. Certain insignia, badges, etc., may be registered, and the unauthorized use thereof is prohibited. St. 1904, 335; 1907, 232 § 3; 1909, 514 §§ 31, 32. (See 1902, 430; 1903, 275; 1908, 280.)

SECT. 16 amended. St. 1909, 196.

SECTS. 19-22. An act to prohibit misuse of vessels used in sale of milk. St. 1906, 116.

Chapter 73. — Of Money and Negotiable Instruments.

As to negotiation of bills of lading, see St. 1910, 214 §§ 24-43.

SECT. 3. See St. 1911, 727 §§ 7, 18.

SECT. 7 amended. St. 1905, 454 § 1.

SECT. 8 amended. St. 1905, 454 § 2.

SECT. 72. See St. 1910, 378.

SECTS. 88, 92, 102, 103. See St. 1907, 204; 1911, 136.

SECT. 102 revised. St. 1910, 417.

SECT. 212. See St. 1908, 237 § 73; 1910, 171 § 18.

Chapter 74. — Of the Prevention of Frauds and Perjuries.

Act to make uniform the law relating to the sale of goods. St. 1908, 237. (See 1910, 214.)

SECT. 5 repealed. St. 1908, 237 § 78. (See 1908, 237 § 4.)

Chapter 75. — Of the Preservation of the Public Health.

Acts for protection of health. St. 1902, 322; 1903, 220, 475; 1904, 395; 1905, 251; 1906, 116, 165, 250, 386, 502; 1907, 164, 180, 259, 410, 480; 1908, 150, 307, 325, 329, 381, 411, 435, 539, 570; 1909, 319, 375, 391, 405, 433, 471, 474, 514 §§ 75, 78-89, 105, 106, 536; 1910, 259, 271, 387, 404, 428, 458, 597; 1911, 278, 341, 381, 576, 613. (See 1911, 596, 597.)

Persons afflicted with leprosy shall be State charges. St. 1909, 250. (See 1905, 474.)

Act to authorize incorporation of milk commissions. St. 1911, 506.

Act to restrict the use of common drinking cups. St. 1910, 428.

Act to provide for the establishment of health districts and the appointment of inspectors of health. St. 1907, 537; 1910, 405, 523; 1911, 282, 603, 709. (See 1907, 499; 1908, 325 § 3, 329, 487; 1909, 514 §§ 75, 78-89, 105, 106; 1910, 259, 394, 543.) For sanitary stations in cities and certain towns. St. 1911, 596.

Act relative to inspection of jails, prisons, etc. St. 1910, 405; 1911, 282.

Board to have supervision of water companies. St. 1909, 319.

As to metropolitan water and sewerage system, see St. 1889, 439; 1895, 342, 406, 488; 1897, 80, 81, 83, 88, 502; 1899, 342; 1900, 108; 1901, 168, 498; 1902, 101, 189, 391, 535; 1903, 161, 242, 356; 1904, 186, 230, 246, 273, 317, 426, 431; 1905, 457; 1906, 189, 235, 337, 338, 369, 404, 406, 457, 530; 1907, 165, 238, 349, 524; 1908, 556, 558; 1909, 177, 243, 258, 282, 320, 453, 473; 1910, 32, 291, 292; 1911, 5, 541. Board of health shall publish in report and may publish in newspapers analyses and information as to adulterations. St. 1902, 272. (See 1902, 230.)

Board shall define what diseases are deemed dangerous to the public health. St. 1907, 183.

Provision for appointment of school physicians. St. 1906, 502; 1908, 189, 412; 1910, 257.

Provisions for suppressing insect pests. St. 1902, 57; 1905, 381; 1906, 268; 1908, 591; 1910, 150; 1911, 242, 474. (See 1909, 263; 1910, 427.) For paving private passageways in certain cities. St. 1907, 256. For treatment or purification of sewage. St. 1909, 433.

Act to establish a standard for cream. St. 1907, 216. To prohibit misuse of vessels used in sale of milk. St. 1906, 116; 1908, 435. (See 1906, 323; 1908, 570; 1909, 425, 531; 1910, 462, 641.)

Provision for separate systems of drainage for sewage and other waters. St. 1903, 383.

Act to establish a board of registration in embalming. St. 1905, 473.

Act to encourage and promote building and use of tuberculosis hospitals. St. 1911, 597.

Provision for hospital for lepers. St. 1905, 474; 1909, 250.

Act relative to wood alcohol. St. 1905, 220; 1910, 541.

SECT. 3. Salary changed. St. 1906, 425; 1907, 364.

SECT. 4 amended. St. 1903, 480; 1910, 405, 458; 1911, 282, 381. (See 1905, 344; 1906, 386 § 6, 502 § 6; 1907, 183, 285; 1908, 189, 329; 1909, 319, 346 § 3, 433 § 3; Res. 1909, 72; St. 1910, 495, 569; 1911, 218, 266, 607.)

SECT. 5. Powers and duties of inspector and assayer of liquors transferred to board of health. St. 1902, 110. (See 1902, 541; 1906, 502 § 6; 1907, 499, 537; 1908, 469.)

SECT. 5 extended. St. 1910, 394, 405. (See 1910, 457.)

SECT. 6 amended. Amount increased. St. 1903, 467; 1907, 208. (See 1908, 195.)

SECT. 8. See St. 1904, 395 § 1; 1909, 391 § 1.

SECT. 9 *et seq.* See St. 1908, 379.

SECT. 10. See St. 1906, 502.

SECT. 13. See St. 1909, 405, 443; 1910, 640; 1911, 443.

SECT. 16 amended. St. 1903, 367 § 1.

SECT. 16 *et seq.* Sale or gift of certain harmful medicines, drugs, etc., restricted. St. 1906, 386; 1907, 180; 1908, 307; 1909, 375; 1910, 271, 416, 541; 1911, 30, 289, 341, 372. (See 1905, 220; 1910, 495; 1911, 218, 266.)

SECT. 18 amended. St. 1910, 528 § 1.

SECTS. 18, 19. See St. 1911, 600 § 3.

SECT. 19 affected. St. 1911, 289.

SECT. 19 *et seq.* Baking powders to be labelled. St. 1902, 540 § 1. Also certain patent or proprietary drugs and food. St. 1906, 386; 1907, 259. (See 1903, 367; 1907, 180; 1908, 307.)

SECT. 23 amended. St. 1910, 528 § 2.

SECT. 24 amended. St. 1905, 236; 1906, 305.

SECTS. 25, 26 repealed. St. 1908, 238 § 1. (See 1903, 367 § 1; 1906, 386 § 6; 1907, 259; 1908, 525 § 3; 1910, 172 § 1, 416; 1911, 289.)

SECT. 34 revised. St. 1902, 403.

SECT. 35 revised. St. 1911, 613. (See 1906, 365 § 1.)

SECT. 35 *et seq.* Provision for three state sanatoriums for tubercular patients. St. 1907, 474; 1910, 198, 491.

SECT. 36 amended. St. 1907, 445. (See 1909, 391 § 1.)

SECTS. 36-42 revised. St. 1906, 365 § 1. (See 1902, 206; 1904, 395; 1906, 225, 365 § 4; 1907, 183, 445; 1909, 391; 1911, 613.)

SECT. 46 revised. St. 1906, 365 § 2. (See 1902, 206 § 2.)

SECTS. 47, 52. See St. 1904, 395 § 1.

SECT. 49 amended. St. 1905, 251 § 1; 1907, 480; 1910, 269.

SECT. 50 amended. St. 1905, 251 § 2; 1907, 480.

SECT. 52 amended. St. 1907, 480 § 1. (See 1902, 213 § 1; 1907, 386; 1909, 380, 391.)

SECT. 56 revised. St. 1906, 365 § 3.

SECT. 57 revised. St. 1902, 213; 1907, 386; 1909, 380. (See 1904, 395 § 2; 1907, 183.)

SECT. 62 revised. St. 1910, 569; 1911, 264.

SECTS. 63, 64 revised. St. 1910, 569. (See St. 1905, 330.)

SECT. 65 *et seq.* Spitting in certain public places and conveyances prohibited. St. 1906, 165; 1907, 410; 1908, 150. Certain lung-testing machines. St. 1908, 381 § 2. Cold storage and refrigerating warehouses to be inspected. St. 1910, 640.

SECTS. 67-74. See St. 1911, 381 § 4.

SECT. 70 amended. St. 1910, 313.

SECT. 79. See St. 103, 383.

SECT. 81. See St. 1905, 266.

SECT. 90 amended. Expense of purifying, and value of articles destroyed may be charged to city or town. St. 1903, 306 § 1.

SECT. 100 amended. St. 1911, 297 § 2. (See 1907, 243.)

SECT. 101 amended. St. 1911, 297 § 3, 534 § 1.

SECT. 102 amended. St. 1911, 297 § 4. (See St. 1908, 329 § 4.)

SECT. 103 superseded. St. 1902, 312 § 1; 1903, 220 § 1; 1909, 471; 1911, 297 § 5.

SECT. 104 amended. St. 1902, 312 § 1; 1903, 220 § 1; 1909, 476. (See 1908, 329, 411; 1909, 471, 474; 1911, 297.)

SECT. 105 amended. St. 1902, 312 § 2; 1903, 220 § 2; 1908, 329 § 6; 1909, 474.

SECT. 111. See 1907, 243; 1911, 297 § 6.

SECT. 112 *et seq.* See St. 1902, 541; 1906, 158 § 1; 1908, 499, 539; 1909, 319; 1911, 135.

SECT. 113 amended. St. 1907, 467.

SECT. 118. See St. 1905, 266; 1906, 158 § 1.

SECT. 122. See St. 1909, 514 § 81.

SECT. 123 revised. St. 1910, 550.

SECT. 124. See St. 1908, 499, 539; 1910, 400.

SECT. 126. See St. 1911, 339.

SECT. 129 affected. St. 1908, 539.

SECT. 136 repealed. St. 1908, 337.

SECT. 137 revised. St. 1902, 190 § 1.

SECT. 139 revised. St. 1902, 190 § 2, 544 § 10.

Chapter 76. — Of the Registration of Physicians, Surgeons, Pharmacists and Dentists.

Provision for registration of veterinary practitioners and board of registration established. St. 1903, 249; 1906, 503; 1907, 314; 1911, 199. For registration of embalmers. St. 1905, 473; 1910, 390. Of osteopaths. St. 1909, 526. And of nurses. St. 1910, 449.

Salaries and allowance for travel fixed. St. 1902, 505; 1903, 228, 249 § 1; 1907, 399.

SECT. 2. See St. 1908, 469.

SECT. 3. See St. 1909, 504 §§ 32, 91.

SECTS. 4, 12, 27 repealed. St. 1902, 505 § 6.

SECT. 5. See St. 1910, 458.

SECT. 8. See St. 1909, 526 § 4; 1910, 271.

SECT. 9 amended. St. 1909, 526 § 6. (See 1903, 249 § 9; 1907, 314 § 2; 1909, 504 § 32.)

SECT. 10 amended. St. 1909, 261 § 3.

SECT. 11 amended. St. 1909, 261 § 4. (See St. 1908, 469.)

SECT. 14 amended. St. 1906, 120; 1908, 525 § 1. Board may suspend certificate. St. 1909, 261 § 5.

SECT. 16 amended. St. 1907, 140; 1910, 172 § 2. (See 1902, 327; 1906, 281; 1907, 308; 1909, 261.)

SECT. 17 amended. St. 1902, 321.

SECT. 18 amended. St. 1908, 525 § 2.

SECT. 23 amended. St. 1902, 327; 1908, 525 § 3; 1910, 172 § 1. (See 1906, 281; 1907, 180; 1908, 238, 307.)

SECTS. 24-28 limited. St. 1903, 219.

SECT. 26 amended. St. 1908, 294 § 1.

SECT. 28 revised. St. 1909, 301; 1911, 377. (See 1905, 289 § 1; 1908, 294 § 2.)

SECT. 29 amended. St. 1903, 219; 1905, 289 § 2.

Chapter 77. — Of the Promotion of Anatomical Science.

Act to establish a board of registration of embalmers. St. 1905, 473; 1910, 390.

SECT. 4 amended. St. 1904, 204.

SECT. 5 (new section) added relative to autopsies. St. 1902, 417.

Chapter 78. — Of Cemeteries and Burials.

Cities and towns may appropriate money for care of neglected burial grounds. St. 1902, 389.

SECTS. 1, 2. See St. 1908, 379, 590 § 51.

SECTS. 3, 4. See St. 1907, 225.

SECT. 9. See St. 1907, 138.

SECT. 12. See St. 1908, 379.

SECT. 15. See St. 1908, 379 § 3.

SECT. 16 amended. St. 1909, 279.

SECT. 19 revised. St. 1904, 422 § 1.

SECT. 20 amended. St. 1904, 422 § 2.

SECT. 30 amended. St. 1908, 379 § 1.

SECT. 31. See St. 1908, 379 §§ 2, 3.

SECT. 37 revised. St. 1907, 138.

SECT. 44. See St. 1905, 473; 1910, 390.

Chapter 79. — Of State and Military Aid and Soldiers' Relief.

SECT. 1 superseded. St. 1902, 192 §§ 1-4.

SECTS. 2-16 superseded. St. 1909, 468 §§ 2-16; 1910, 467, 470. (See 1902, 192, 216, 250, 251, 292; 1903, 387, 420; 1904, 381; 1907, 43, 354; 1908, 405.)

SECT. 14. See St. 1910, 412.

SECTS. 20, 21 superseded. St. 1909, 468 §§ 17, 18. (See 1902, 250, 292; 1904, 381.)

SECTS. 22, 23 superseded. St. 1902, 192 § 1; 1904, 381 § 1; 1909, 468 § 1.

Chapter 80. — Of the Settlement of Paupers.

This chapter is repealed and superseded by St. 1911, 669.

Chapter 81. — Of the Support of Paupers by Cities and Towns.

Act to provide that persons afflicted with leprosy shall be state charges. St. 1909, 250.

Massachusetts commission for the blind may provide temporary support in certain cases. St. 1906, 385 § 6.

SECT. 2. See St. 1905, 162.

SECT. 4 amended. St. 1905, 285.

SECT. 5 amended. St. 1905, 303 § 1. Provision for care of indigent and neglected children. St. 1903, 334; 1904, 356; 1906, 501; 1908, 104; 1909, 180, 181. (See 1909, 504 §§ 66, 67.)

SECT. 7 amended. St. 1905, 303 § 2.

SECT. 17. See St. 1909, 292.

SECT. 17 *et seq.* See St. 1905, 354.

SECT. 21 amended to provide for case of refusal to submit to removal. St. 1903, 355 § 1. (See 1903, 233.)

SECT. 22. Cities and towns shall require tramps and vagrants lodged to perform labor. St. 1905, 344. (See 1904, 274; 1905, 348.)

SECT. 25. See St. 1902, 206, 213; 1905, 330.

SECTS. 26-28. See St. 1905, 464.

SECTS. 40, 41. See St. 1909, 208.

SECT. 41 revised. St. 1905, 115.

Chapter 82. — Of the Maintenance of Bastard Children.

SECT. 1 amended. St. 1904, 159.

SECT. 4 amended. St. 1911, 53 § 1.

SECT. 5 amended. St. 1911, 53 § 2. Affected St. 1911, 150.

SECTS. 6, 9. See St. 1910, 316.

SECT. 12 amended. St. 1905, 345.

Chapter 83. — Of the Protection of Infants and the Care of Pauper Children.

Act to establish the Massachusetts commission for the blind. St. 1906, 385; 1907, 173.

Provision for school for the feeble-minded. St. 1906, 508; 1907, 421; 1909, 504 §§ 11, 59-65. (See 1906, 359; 1907, 489; 1908, 629.)

Uniform desertion act. St. 1911, 456.

The Massachusetts school and home for crippled and deformed children is established. St. 1904, 446; 1905, 128; 1907, 226; 1909, 497.

Provision for care of indigent and neglected children. St. 1903, 334; 1904, 356; 1906, 501; 1908, 104; 1909, 180, 181; 1911, 175. (See 1909, 504, §§ 66, 67; 1911, 456.)

SECT. 10 amended. St. 1905, 269; 1911, 500. (See 1911, 490.)

SECT. 20 *et seq.* Protection of minors in religious belief of their parents. St. 1905, 464.

SECT. 25 amended. St. 1911, 490 § 1.

SECT. 25 *et seq.* See St. 1906, 413 §§ 5, 8, 14.

SECT. 29. See St. 1903, 333.

SECT. 36 amended. St. 1911, 490 § 2.

SECT. 37 revised. St. 1903, 334 §§ 1-5, 7; 1906, 489; 1909, 181. (See 1904, 356; 1907, 195; 1909, 180; 1911, 175.)

SECT. 38 revised. St. 1903, 334 §§ 6, 7. (See 1904, 356; 1907, 195.)

Chapter 84. — Of the State Board of Charity.

Inmates of institutions under supervision of state board of charity may correspond with the board. St. 1906, 341.

Act to establish the Massachusetts commission for the blind. St. 1906, 385; 1907, 173.

Provision for hospital for lepers. St. 1905, 474. Persons afflicted with leprosy shall be state charges. St. 1909, 250.

SECT. 2 amended. St. 1908, 598.

SECT. 2 *et seq.* Powers and duties of the board. St. 1903, 231, 233, 402; 1904, 395, 446 § 12; 1905, 162, 474; 1906, 341, 413 §§ 4, 5, 8, 14; 1907, 222 § 2, 271; 1908, 555, 598; 1909, 391, 472. (See 1904, 356 § 3; 1905, 128, 211 § 11; 1908, 195; 1909, 514 § 26.)

SECT. 4 amended. St. 1909, 208.

SECT. 7 revised. St. 1911, 154. (See 1905, 211 § 11.)

SECT. 8 *et seq.* The board may provide for care of persons infected with diseases dangerous to the public health. St. 1904, 395; 1909, 391. (See 1907, 386; 1908, 555; 1909, 250, 292, 380.)

SECT. 11 amended. St. 1903, 231 § 1. (See 1903, 233.)

SECT. 14 amended. St. 1903, 402 § 1; 1909, 379.

Chapter 85. — Of the State Hospital and the State Farm.

Title of State Hospital changed to State Infirmiry. St. 1911, 104.

Provision for three sanatoriums for tuberculous patients. St. 1907, 474; 1908, 532; 1910, 198, 491. (See 1908, 598.)

Act to encourage and promote building and use of tuberculosis hospitals in cities and towns. St. 1911, 597.

Inmates may correspond with board of charity. St. 1906, 341.

Provision for hospital for lepers. St. 1905, 474. Inmates to be state charges. St. 1909, 250.

SECT. 2. See St. 1908, 195, 469, 470.

SECT. 6. Certain advances authorized. St. 1908, 178. (See 1907, 466; 1908, 469; 1909, 218.)

SECT. 7 *et seq.* See St. 1911, 30.

SECT. 10 amended. St. 1903, 233.

SECT. 11. See St. 1911, 334 § 2.

SECTS. 14, 15. See St. 1902, 213; 1907, 386; 1909, 380, 391.

SECT. 15 amended. St. 1908, 555. Medical attendance added. St. 1909, 292.

SECT. 16 revised. St. 1909, 98.

SECT. 23. See St. 1911, 334 § 2.

SECT. 28. See St. 1907, 466; 1911, 175.

SECT. 33 amended. St. 1903, 188.

SECT. 39 amended. St. 1904, 216.

SECT. 40. See St. 1908, 470.

SECTS. 42, 43, 44 repealed. St. 1909, 504 § 107. (See 1906, 324.)

Chapter 86. — Of the Lyman School for Boys, the Industrial School for Girls and the Reformation of Juvenile Offenders.

Board of trustees of Massachusetts training schools established and previous boards abolished. St. 1911, 566.

Acts relative to industrial schools. St. 1906, 505; 1908, 572, 639; 1909, 457, 472, 489, 540; 1911, 471, 605.

Inmates may correspond with board of charity. St. 1906, 341.

Act to provide for the commitment of habitual truants, absentees and school offenders. St. 1906, 389. (See 1907, 158, 195; 1908, 286.)

Acts relative to wayward and delinquent children. St. 1906, 413, 489; 1907, 411; 1908, 637; 1911, 595.

Act to establish the Boston juvenile court. St. 1906, 489; 1907, 137, 411. (See 1906, 499; 1908, 286; 1911, 265.)

SECT. 1. See St. 1906, 407.

Reform school for Boston. St. 1901, 359.

SECTS. 5, 7. See St. 1905, 211 § 1.

SECT. 6. See St. 1907, 224; 1909, 514 § 59; 1911, 265.

SECTS. 6, 7, 9. See St. 1908, 639 § 6.

SECT. 7. See St. 1908, 195, 469.

SECT. 10 *et seq.* See St. 1905, 464; 1906, 413, 489. Solitary confinement prohibited. St. 1911, 265.

Act relative to arrest of escaped inmates. St. 1907, 362.

SECT. 13. State commission on industrial education established. St. 1906, 505; 1909, 457 § 2.

SECTS. 14, 17-19. See St. 1908, 286; 1909, 472 § 2.

SECT. 15. See St. 1906, 413 §§ 4, 11, 489.

SECT. 16 superseded. St. 1906, 413 § 6. (See 1906, 489 § 7; 1908, 286.)

SECT. 17. See St. 1906, 413 § 4.

SECT. 18. See St. 1906, 413 §§ 3, 5.

SECT. 20 superseded. St. 1906, 413 § 3. (See 1902, 314.)

SECT. 21 *et seq.* See St. 1906, 413.

SECTS. 22, 27 *et seq.* See St. 1910, 316; 1911, 265.

SECT. 31 amended. St. 1904, 459 § 6.

SECT. 34 amended. St. 1911, 489.

SECT. 36 amended. St. 1904, 363 § 2. (See 1905, 464.)

SECT. 49 *et seq.* See St. 1906, 413 §§ 5, 8, 14; 1907, 271.

Chapter 87. — Of the State Board of Insanity and Institutions for the Insane.

This chapter is repealed and superseded by act to revise and codify the laws relating to insane persons. St. 1909, 504; 1910, 122, 420; 1911, 30, 71, 273, 334, 394, 395, 480, 649. (See 1902, 542; 1903, 321, 400, 410; 1905, 175, 211, 282, 330, 354, 400, 432, 435, 436, 447, 458, 475; 1906, 184, 309, 316, 352, 418, 471, 472, 508; 1907, 421, 432, 489; 1908, 195, 613, 626, 629; 1909, 274, 470, 535; 1910, 307 § 2, 345; 1911, 595, 604.)

Act relative to receipts from products of labor of inmates. St. 1911, 480. Removal of insane prisoners. St. 1911, 604.

Act to regulate restraint of patients. St. 1911, 589.

Provision for maintenance of defective delinquents in certain institutions. St. 1911, 595. For instruction of nurses, attendants and patients in certain institutions. St. 1911, 649.

Names changed. St. 1909, 504 § 98. (See 1907, 226.)

Board may hold property in trust for certain purposes. St. 1910, 583.

SECT. 27. See St. 1911, 589.

SECTS. 33, 52, 59. See St. 1911, 273.

SECT. 83. See St. 1911, 589.

SECT. 111. See St. 1911, 400, 589.

Chapter 88. — Of the Massachusetts State Sanatorium.

Provision for three sanatoriums for tubercular patients. St. 1907, 474; 1908, 532; 1910, 198, 491. (See 1908, 533, 598; 1909, 414.)

SECT. 1. Number of trustees increased; two to be women. St. 1905, 159. (See 1907, 271, 474 § 15.)

SECT. 3. See St. 1905, 175 § 3.

SECT. 4. See St. 1907, 222 § 1.

SECT. 6. See St. 1908, 195.

SECT. 7 repealed. St. 1911, 396. (See 1909, 378.)

Chapter 89. — Of the State Board of Agriculture and the Dairy Bureau.

Act relative to annual payments to the Massachusetts agricultural college. St. 1911, 592. (See 1904, 414; 1908, 460; 1909, 436; 1910, 627.)

Cattle bureau established with powers and duties of board of cattle commissioners. St. 1902, 116 §§ 2, 3; 1911, 381. (See 1911, 297 § 6.)

Act to encourage and improve the breeding of poultry. St. 1909, 428.
 Act to provide for the encouragement of orcharding. St. 1910, 427. To prevent importation of infected nursery stock. Res. 1911, 103. Regulation of places where cattle, swine, etc., are kept. St. 1911, 380.

Provision for inspection of apiaries and suppression of contagious diseases of bees. St. 1910, 653; 1911, 220.

Provision for appointment of a state ornithologist. St. 1908, 245.

State nursery inspectorship established and provision for protection of trees, etc., from injurious insects and diseases. St. 1902, 495; 1907, 321; 1909, 444; 1911, 474. Res. 1911, 103. (See 1902, 57; 1905, 381; 1906, 268; 1907, 521; 1908, 591; 1909, 263; 1910, 150, 427; 1911, 242.) Circulation of information as to idle farms. St. 1909, 212.

Office of state forester established and duties prescribed. St. 1904, 409; 1907, 473; 1908, 209 §§ 3, 4; 1909, 263, 424 § 3, 452; 1910, 153, 236. (See 1907, 475.) Provision for reforestation. St. 1908, 478; 1909, 214. (See 1909, 187, 394.)

SECT. 1 amended. St. 1902, 116 § 4.

SECTS. 2, 3. See St. 1911, 311.

SECT. 4 amended. St. 1911, 186. (See St. 1904, 444 §§ 2, 3; 1908, 459; 1909, 212; 1910, 429.)

SECT. 5 amended. St. 1905, 155; 1907, 401. (See 1908, 195.)

SECT. 6. See St. 1911, 607.

SECT. 8. See St. 1905, 211 § 1; 1907, 289; 1908, 459; 1909, 212; 1910, 429. Res. 1910, 90.

SECT. 10. Provision for instruction in agriculture. St. 1906, 505 § 7; 1909, 457 § 2; 1911, 471.

SECT. 11 *et seq.* See St. 1909, 425.

SECT. 12 amended. St. 1908, 416 § 1.

Chapter 90. — Of the Board of Cattle Commissioners and of Contagious Diseases of Domestic Animals.

Board of cattle commissioners abolished and powers and duties transferred to cattle bureau of state board of agriculture. St. 1902, 116. (See 1903, 249; 1904, 414 § 2.)

SECT. 3. See St. 1905, 211 § 1.

SECTS. 4, 7. See St. 1902, 116 § 3; 1903, 220 § 1; 1908, 329; 1909, 474; 1911, 6.

SECT. 7 amended. St. 1911, 297 § 1. (See 1911, 532.)

SECT. 11 amended. St. 1908, 515 § 1.

SECT. 12 superseded. St. 1911, 143, 297 § 6, 532 § 2. (See 1908, 378.)

SECT. 26. See St. 1905, 266.

SECT. 27 amended. St. 1908, 515 § 2.

SECT. 28 amended. St. 1911, 6.

SECT. 31. Tuberculin tests to be without charge to citizens. St. 1903, 322.

Chapter 91. — Of Fisheries.

Provision for protection of property, etc., used by commissioners on fisheries and game. St. 1906, 327.

Powers and duties of inspector general of fish transferred to the commissioners on fisheries and game. St. 1902, 138. Commissioners may investigate questions relating to fish and game. St. 1902, 178. (See 1903, 291; 1905, 317 § 2; 1907, 504; 1908, 402 § 2, 484 § 2.) Duties with respect to fires. St. 1907, 299. Walls or fences. St. 1911, 173.

Fishing regulated or restricted in various places: Barnstable; St. 1907, 301; 1911, 499. Barnstable county; 1884, 264; 1887, 120; 1892, 196; 1901, 184; 1903, 298. Bass river; 1894, 134. Berkshire; 1888, 276; 1890, 193; 1895, 199; 1902, 137, 544 § 11. (See 1906, 314.) Beverly harbor; 1909, 291. Boston harbor; 1894, 189; 1911, 107. Bourne; 1899, 194. Braintree; 1911, 306. Brimfield; 1895, 411. Bristol; 1882, 189; 1891, 198. Buzzard's bay; 1884, 214 § 2; 1886, 192; 1891, 237; 1893, 205, 255. Lake Champlain; 1908, 488 § 1. Charles river; 1894, 189. Cohasset; 1910, 494; 1911, 103. Cottage City; 1905, 281 § 1. Dartmouth; 1906, 477. Dennis; 1895, 203. Dukes; 1884, 245; 1886, 234; 1891, 198. Duxbury; 1910, 494; 1911, 103. Eastham; 1893, 77; 1904, 269; 1905, 265. Edgartown; 1886, 234; 1891, 52; 1897, 181; 1903, 216; 1904, 301; 1905, 281. (See 1904, 319.) Franklin, Hampden and Hampshire; 1890, 193; 1902, 137. (See 1906, 314.) Haverhill; 1894, 296. Hingham; 1894, 189; 1908, 298. Hull; 1908, 298. Ipswich; 1897, 289. (See 1902, 164.) Lynn harbor; 1909, 194; 1911, 374. Marion; 1892, 188; 1893, 255; 1902, 94. Marshfield; 1889, 292; 1890, 336. Mashpee; 1884, 264; 1892, 196; 1903, 298; 1907, 301. Mattapoisett; 1884, 214; 1890, 229; 1892, 186. Merrimac river; 1882, 166; 1883, 31, 121; 1884, 317; 1895, 88; 1897, 110. (See 1902, 164.) Mystic river; 1894, 189. Nahant bay; 1909, 291. Nantucket; 1891, 128; 1904, 232. (See 1909, 403 § 2.) Neponset river; 1894, 189. Norwell and Pembroke; 1889, 292; 1890, 336. Orleans; 1904, 118, 269; 1905, 265. (See 1901, 163.) Plum Island bay; 1887, 105; 1890, 30; 1900, 159. (See 1902, 164.) Plymouth; 1884, 199; 1886, 163; 1889, 292; 1890, 336; 1910, 494; 1911, 103. Podonk pond; 1900, 234. Quincy; 1908, 298. Quinsigamond lake; 1896, 259; 1901, 158; 1905, 429. Rehoboth and Swansea; see 1904, 132. Randolph; 1889, 78. Rowley; 1897, 289. Salem harbor; 1909, 291. Sandwich; see 1904, 321. Scituate; 1889, 292; 1890, 336; 1910, 494; 1911, 103. Swampscott; 1911, 69. Taunton river; 1909, 404. (See 1855, 401 § 10.) Tisbury; 1902, 188; 1903, 201. Webster; 1896, 110. Weir river; 1894, 189. Wellfleet; 1891, 135; 1904, 269. Westport river; 1907, 298. (See 1887, 193; 1891, 137.) Weymouth river; 1894, 189; 1911, 306. Winthrop, 1911, 164.

SECT. 3 amended. St. 1905, 407.

SECT. 3 *et seq.* Powers and duties of commissioners and deputies are enlarged. St. 1902, 138, 178; 1904, 367 § 1; 1905, 317; 1906, 179 § 2, 356; 1907, 198, 299, 504; 1908, 255, 402 § 2, 417, 484 § 2, 488 § 2; 1909, 265, 421, 422 § 3, 508 § 2; 1910, 460, 548, 575, 614 § 3; 1911, 185, 271, 722. (See 1910, 529; 1911, 217. Res. 1911, 68.)

SECT. 7 revised. St. 1902, 164.

SECT. 8 repealed and superseded. St. 1910, 460. (See 1906, 356 § 1.)

SECT. 9 amended. St. 1904, 365.

SECT. 15 *et seq.* Provision as to sale or lease of certain islands in great ponds. St. 1904, 379. (See 1910, 529. Res. 1911, 68.) As to renting of boats or use of bathing suits. St. 1910, 400.

SECT. 19 revised. St. 1911, 285. (See 1903, 274; 1907, 306.)

SECT. 26 revised. St. 1904, 308; 1906, 239. (See 1903, 294; 1904, 118.)

SECT. 28. See St. 1911, 185.

SECTS. 35-37. See St. 1908, 298.

SECTS. 36, 42. See St. 1904, 132.

SECT. 52. See St. 1904, 118.

SECT. 54. See St. 1904, 319.

SECTS. 57, 58, 59 repealed and new provisions made. St. 1909, 377; 1910, 469. (See 1905, 190; 1906, 263, 314; 1907, 296.)

SECT. 62 amended. St. 1906, 314 § 1.

SECT. 63 amended. St. 1902, 137; 1906, 314 § 2.

SECT. 63 *et seq.* See St. 1903, 205; 1906, 263; 1909, 377.

SECT. 64 amended. St. 1902, 544 § 11. (See 1905, 190.)

SECT. 66. See St. 1907, 296; 1909, 377.

SECT. 67 amended. St. 1904, 329. Killing and transportation of pike perch restricted. St. 1908, 488. (See 1906, 179.)

SECT. 68 repealed and new provisions made. St. 1905, 417. (See 1904, 364.)

SECT. 69 repealed. St. 1904, 223.

SECT. 71 *et seq.* See St. 1911, 306.

SECTS. 81, 82. See St. 1906, 239.

SECT. 81 amended. St. 1904, 116 § 1; 1905, 81.

SECT. 83. Act to regulate the taking of scallops. St. 1910, 177. (See 1907, 297; 1908, 270; 1909, 403.)

SECT. 83 *et seq.* Act relative to propagation and cultivation of shell-fish. St. 1904, 282. (See 1906, 477; 1911, 411, 499.) Planting, cultivating and bedding of quahaugs. St. 1909, 469.

SECT. 84 amended. St. 1906, 288.

SECT. 85 limited. St. 1903, 216 § 6; 1904, 269 § 6; 1905, 265 § 1; 1906, 477 § 7.

SECT. 86 *et seq.* Provision for protection of lobsters. St. 1904, 408 § 1; 1907, 303; 1909, 265.

SECT. 88 amended. St. 1907, 303. (See 1908, 330 § 1.)

SECT. 92 repealed. St. 1909, 265 § 4.

SECT. 101. See St. 1906, 477.

SECT. 104 *et seq.* See St. 1909, 469.

SECTS. 113, 114 affected. St. 1907, 285.

SECT. 116. See St. 1904, 118.

SECT. 122 *et seq.* See St. 1906, 239.

SECT. 127 in part repealed. St. 1904, 301 § 2. Amended. St. 1905, 281 § 1. (See 1904, 301 § 1.)

SECT. 128 revised. St. 1907, 298 § 1.

- SECT. 129 repealed. St. 1907, 298 § 2.
SECT. 131. See St. 1911, 185.
SECT. 132 amended. St. 1908, 492. (See 1906, 239 § 2.)
SECT. 133 revised. St. 1903, 246.
SECT. 134 extended. St. 1904, 282 § 2.
SECT. 137 superseded. St. 1908, 330. (See 1905, 445; 1907, 300; 1908, 417.)
SECT. 139 repealed. St. 1908, 76.

Chapter 92. — Of the Preservation of Certain Birds and Animals.

Act to authorize the governor to proclaim a close season in times of drought. St. 1909, 422.

Act to prevent holding in captivity insectivorous and song birds. St. 1902, 127; 1907, 250 § 2. (See 1903, 287.) Trapping with scented bait. St. 1911, 215.

Act to provide for establishment of refuges for birds and game. St. 1909, 362. For propagation of game birds and animals. St. 1911, 271.

Act for the protection of wild fowl. St. 1909, 421; 1911, 187, 188. For protection and propagation of wild birds and quadrupeds. St. 1911, 410. Of hares and rabbits. St. 1911, 118. (See 1908, 413; 1909, 466; 1910, 533 § 2; 1911, 118.) Of gray squirrels. St. 1911, 172. Of homing pigeons. St. 1911, 198.

And of shore, marsh and beach birds. St. 1909, 508.

Sale, etc., of prairie chickens prohibited. St. 1906, 304.

Act relative to licensing and registration of hunters. St. 1911, 614. (See 1908, 484; 1909, 325; 1910, 614; 1911, 235.)

Unnaturalized foreign-born persons and non-residents prohibited from hunting unless licensed. St. 1911, 614. (See 1905, 317; 1907, 198; 1908, 402; 1909, 262.)

Shooting, etc., restricted in various places: Dukes; St. 1905, 273; 1907, 264. Edgartown; 1908, 331. Nantucket; 1902, 85; 1905, 122; 1906, 292; 1911, 234. (See 1902, 165; 1904, 366; 1905, 406; 1906, 303; 1907, 161.)

SECT. 1 amended. St. 1904, 176.

SECT. 2 superseded. St. 1911, 236. (See 1908, 441; 1909, 272; 1910, 365.)

SECT. 3 superseded. St. 1911, 356. (See 1902, 85, 165; 1903, 206; 1904, 366 § 2; 1905, 122, 406; 1906, 303; 1908, 441; 1909, 272; 1910, 365; 1911, 19.)

SECT. 4 in part superseded. St. 1906, 141; 1911, 18. (See 1906, 301; 1909, 421.) Wood or summer duck. St. 1906, 274; 1911, 39, 187. (See 1909, 421 § 2.)

SECT. 5 revised. St. 1910, 472; 1911, 198. (See 1903, 162, 244, 329; 1905, 414; 1907, 99; 1909, 508.)

SECT. 6 revised. St. 1904, 369.

SECT. 7 amended. St. 1903, 287; 1907, 250 § 1. In part repealed. St. 1909, 421. (See 1908, 484.) Loons and eagles protected. St. 1907, 118. Wild turkeys. St. 1911, 343.

SECT. 8 amended. St. 1903, 329 § 1.

SECT. 9 superseded. St. 1908, 284; 1909, 466; 1911, 118, 172. (See 1904, 366 § 1; 1907, 161, 166; 1908, 413; 1910, 564.)

SECTS. 11, 12 superseded. St. 1910, 533 §§ 1-4; 1911, 101, 118. (See 1905, 273; 1906, 241, 278; 1909, 328; 1911, 187, 188, 215.)

SECT. 13. See St. 1910, 590.

SECT. 14. See St. 1911, 215.

SECT. 15. See St. 1909, 309.

SECT. 16 superseded. St. 1909, 309 §§ 1-3. (See 1905, 73; 1906, 482; 1908, 477.)

SECT. 17 revised. St. 1910, 545 §§ 1, 2, 4. (See 1903, 245; 1905, 419; 1907, 307; 1908, 377; 1909, 396.)

SECT. 18 revised. St. 1905, 245. (See 1902, 154; 1910, 545 § 3.)

SECT. 19. See St. 1911, 217.

SECT. 20 repealed. St. 1908, 330 § 2. (See 1905, 445; 1907, 300; 1908, 330 § 1.)

SECT. 22 revised. St. 1902, 236.

SECT. 23. Provision for bounties for killing a wild-cat or Canada lynx. St. 1903, 344 § 1. And for damages caused by wild deer. St. 1903, 407. (See 1908, 377; 1909, 396.)

Chapter 94. — Of Lost Goods and Stray Beasts.

SECT. 2. See St. 1907, 363; 1908, 133.

SECT. 6. See St. 1906, 185 § 3.

Chapter 95. — Of Unclaimed or Abandoned Property.

SECT. 7. See St. 1906, 266; 1908, 599; 1910, 214 § 27.

SECT. 8. Provision for disposition of such property in possession of metropolitan park officer. St. 1904, 170.

SECT. 13 extended. St. 1907, 363. (See 1906, 185; 1908, 133; 1909, 302.)

Chapter 96. — Of the Board of Harbor and Land Commissioners.

Act relative to the improvement and protection of rivers, harbors, etc. St. 1909, 481.

Act relative to the development of the port of Boston. St. 1911, 748. (See 1910, 648.)

Act relative to breaking up and disposal of old vessels, etc. St. 1908, 595.

Act to provide for supervising transportation and dumping of material in tide waters. St. 1907, 229.

SECT. 2. See St. 1905, 211 § 1; 1908, 195. Res. 1890, 57; 1891, 42; 1909, 26.

SECT. 3. See St. 1904, 379.

SECT. 8. See St. 1902, 224, 425; 1904, 273; 1907, 229 § 1; 1908, 595; 1910, 255, 585.

SECT. 9. See St. 1903, 150 § 1; 1909, 481 § 1.

SECT. 14. See St. 1906, 145.

SECT. 17. See St. 1907, 229.

Chapter 97. — Of Wrecks, Shipwrecked Goods and Removal of Wrecks.

Act relative to breaking up and disposal of old vessels, etc. St. 1908, 595.

SECT. 15. See St. 1908, 595; 1910, 585.

SECT. 22. See St. 1908, 595 § 4.

Chapter 98. — Of the Observance of the Lord's Day.

Act to provide for one day's rest in seven. St. 1907, 577.

SECT. 1 revised. St. 1908, 385 § 1; 1909, 189. (See 1904, 460 § 1.)

SECT. 2 revised. St. 1904, 460 § 2; 1909, 420. (See 1904, 176; 1907, 204, 577; 1908, 126; 1909, 423, 514 § 52.)

SECT. 2 limited. St. 1908, 333, 343, 354, 537.

SECT. 3 amended. St. 1902, 414; 1908, 126, 273, 333, 343, 354, 537; 1910, 327; 1911, 328. Affected. St. 1909, 423.

SECT. 5 revised. St. 1904, 460 § 3. (See 1905, 341; 1907, 274; 1908, 126, 385.)

SECT. 12 amended. St. 1908, 123.

Chapter 99. — Of Gaming.

Club charter may be revoked in case of seizure of gaming implements on premises. St. 1902, 254.

Act to prohibit bucketing and to abolish bucket shops. St. 1907, 414.

Chapter 100. — Of Intoxicating Liquors.

Licensing board for Boston. St. 1906, 291. (See 1907, 214; 1909, 387, 423.)

Act relative to wood alcohol. St. 1905, 220.

Acts relative to storage of liquors. St. 1905, 284; 1911, 77, 88.

SECT. 1 amended as to sale of cider and wine. St. 1903, 460.

SECT. 10 *et seq.* See St. 1909, 423; 1910, 383. Provisions for Boston. St. 1902, 485; 1906, 291 § 4, 395; 1909, 221, 331.

SECT. 13 amended. St. 1910, 476. (See 1909, 371 § 8.)

SECT. 15 amended. St. 1906, 287 § 1.

SECT. 17, cl. 2 revised. St. 1906, 395; 1911, 507. (See 1906, 386 § 1; 1910, 473.) Cl. 7, see St. 1911, 136.

SECTS. 17, 18. Fourth and fifth classes. Storage. St. 1905, 284. (See 1911, 77, 88.)

SECT. 20 revised. St. 1902, 171. Amended. St. 1905, 206; 1911, 83.

SECT. 21 amended. St. 1907, 190.

SECTS. 21-29. See St. 1902, 327; 1908, 525 § 3; 1910, 172 § 1.

SECT. 23 amended. St. 1907, 308; 1909, 261 § 1. Board may suspend certificate. St. 1909, 261 § 5.

SECT. 26. See St. 1907, 190.

SECT. 27. See St. 1906, 281; 1909, 261 § 2.

SECT. 33 repealed. St. 1903, 461 § 1.

SECT. 34 revised. St. 1906, 374 § 1.

SECT. 35 amended. St. 1906, 104 § 1.

SECT. 41. See St. 1911, 136.

SECT. 47 amended. Suspension of license authorized. St. 1908, 108.

SECTS. 48-50. Provision for registration and permits for carriers of intoxicating liquors in certain cases. St. 1906, 421; 1907, 517 § 2; 1910, 497; 1911, 423.

SECT. 49 amended. St. 1907, 517 § 1; 1910, 497 § 1.

SECT. 57 amended. St. 1910, 264.

SECT. 62. Gift or sale to a patient in dipsomaniac hospital is punishable. St. 1903, 410; 1909, 504 § 94; 1911, 30.

SECT. 63 amended. St. 1909, 408.

SECT. 67. Office of inspector and assayer abolished and powers and duties transferred to state board of health. St. 1902, 110. (See 1908, 469.)

SECT. 76 amended. St. 1909, 154 § 1.

SECT. 85 amended. St. 1909, 154 § 2.

SECT. 86 amended. St. 1904, 122.

SECT. 88. See St. 1902, 485 § 4. Club charter may be revoked in certain cases. St. 1902, 524.

SECT. 89. See St. 1902, 524; 1906, 291 § 4.

Chapter 101. — Of Common Nuisances.

Spitting in certain public places and conveyances prohibited. St. 1906, 165; 1907, 410.

Obstruction of means of egress from buildings declared a common nuisance. St. 1905, 347 § 1.

Certain nuisances in Boston. St. 1893, 342; 1897, 185; 1904, 336; 1905, 418, 426; 1908, 187 § 2.

As to gypsy and brown-tail moths, see St. 1902, 57; 1905, 381; 1906, 268; 1907, 521; 1908, 591; 1909, 263; 1910, 150; 1911, 242, 474.

SECT. 6. Act to prohibit bucketing and to abolish bucket shops. St. 1907, 414.

SECT. 8. See St. 1906, 291 § 10.

SECT. 9. See St. 1911, 77.

Chapter 102. — Of Licenses and Municipal Regulations of Police.

Provision for registration and licensing of embalmers. St. 1905, 473; 1910, 390. Of public accountants. St. 1909, 399; 1910, 263. Of nurses. St. 1910, 449. License required to sell or lease firearms. St. 1911, 495.

Licensing of theatres and public halls. St. 1904, 450; 1905, 341, 342; 1908, 335. (See 1908, 384; 1909, 514 §§ 76, 77; 1911, 460.) Lunch wagons in public ways. St. 1908, 360. For cinematographs or similar apparatus. St. 1908, 566; 1909, 281; 1911, 48, 440. (See 1905, 176, 437; 1908, 565.)

Licenses for the business of plumbing. St. 1909, 536; 1910, 597.

Insurance brokers. St. 1907, 576 § 93-95; 1908, 170; 1911, 429.

Manicuring, massage and vapor baths. St. 1911, 443.

Act relative to collection agencies. St. 1910, 656.

Provision for license to carry loaded pistol. St. 1906, 172 § 1; 1911, 548. (See 1911, 283.) For manufacture of fireworks or firecrackers. St. 1910, 565. (See 1911, 495.)

For breaking up and disposal of old vessels, etc. St. 1908, 595.

In certain cities public lodging houses must be licensed. St. 1904, 242; 1911, 129. (See 1894, 414.)

Licenses and registration of hunters. St. 1911, 614. (See 1905, 317; 1907, 198; 1908, 402, 484; 1909, 262, 325, 362; 1910, 614; 1911, 235.)

Licenses to work or do business on Sunday. St. 1909, 420, 423.

Licenses in Boston: To gas fitters. St. 1897, 265. Junk dealers. St. 1900, 416; 1906, 291 § 10. (See 1902, 187 § 4.) Minors to black boots, etc. St. 1902, 531. (See 1904, 450 § 2.) Pawnbrokers; private detectives; money lenders; dogs. St. 1906, 291 § 10. Picnic groves; skating rinks; intelligence offices; billiard, pool or sippio tables; bowling alleys. St. 1906, 291 § 4; 1907, 214. Theatres and public halls. St. 1907, 463; 1908, 335. Shows and amusements. St. 1908, 494. Street stands. St. 1907, 584; 1909, 329. Lunch wagons in street. St. 1908, 360. (See 1906, 384; 1907, 500 §§ 2, 3; 1909, 221, 311.)

Provision for licensing dealers in coal and coke. St. 1903, 484; 1906, 434. Operators of automobiles and motor cycles. St. 1909, 534; 1910, 525, 605; 1911, 37. (See 1902, 315; 1903, 473; 1905, 311, 366; 1906, 353, 412; 1907, 203, 408, 580; 1908, 263, 642, 648.) Operators of hoisting machinery in certain cases. St. 1911, 656.

SECT. 2 revised. St. 1910, 383. (See 1906, 291 § 4.)

SECT. 23 *et seq.* See St. 1906, 435.

SECT. 29 amended. St. 1902, 187 § 1; 1910, 554 § 1. (See 1906, 291 § 4.)

SECT. 30 amended. St. 1902, 187 § 2; 1910, 193.

SECT. 32 amended. St. 1902, 187 § 3; 1910, 554 § 2.

SECT. 33. See St. 1906, 291 § 10.

SECT. 40 amended. St. 1905, 415.

SECT. 41 amended. St. 1911, 727 § 21.

SECT. 42 amended. St. 1907, 211. (See 1907, 500 §§ 2, 3.)

SECT. 47 *et seq.* See St. 1905, 308; 1906, 390.

SECT. 48. See St. 1906, 291 § 10.

SECTS. 52, 53. See St. 1911, 727 §§ 14, 15.

SECTS. 57-68 repealed by St. 1911, 727 § 24, and superseded by St. 1911, 727. Acts regulating small loans. St. 1905, 308; 1906, 390; 1908, 605; 1909, 317, 514 §§ 121-126; 1910, 563; 1911, 727. (See 1909, 278.)

SECTS. 69-72. See St. 1911, 381 § 4.

SECT. 78 amended. St. 1907, 373 § 1; 1911, 562 § 1.

SECT. 78 *et seq.* See St. 1905, 310 § 4, 472; 1906, 387; 1907, 373, 465; 1908, 563.

SECT. 80 amended. St. 1911, 562 § 2.

SECT. 81 amended. St. 1905, 310 § 1; 1911, 562 § 3.

SECT. 82 revised. St. 1907, 373 § 2; 1911, 562 § 4. (See 1905, 310 § 2; 1906, 414, 521, 522.)

SECT. 83 revised. St. 1911, 562 § 5.

SECT. 84 revised. St. 1907, 373 § 3; 1911, 562 § 6.

SECT. 85 amended. St. 1907, 373 § 4; 1911, 562 § 7.

SECT. 86 amended. St. 1905, 310 § 3.

SECT. 89 *et seq.* Provisions for regulations as to explosives and inflammable fluids. St. 1904, 370; 1905, 280; 1908, 502; 1910, 223; 1911, 477. (See 1910, 284.) Acts relative to paint, turpentine and linseed oil. St. 1908, 531; 1911, 218.

SECT. 92 amended. St. 1909, 199.

SECTS. 97, 98. Act to provide for the giving of bonds in blasting operations. St. 1911, 325.

SECTS. 99, 100, 101 repealed and superseded. St. 1910, 588.

SECTS. 109-111 superseded. St. 1911, 204.

SECT. 114. See St. 1904, 370; 1905, 280.

SECT. 122 amended. St. 1908, 187.

SECT. 122 *et seq.* See St. 1905, 418; 1908, 187 § 2; 1910, 651; 1911, 10, 223.

SECTS. 128, 129 amended. St. 1909, 440 § 4.

SECT. 130 amended. St. 1908, 169; 1910, 87.

SECT. 133 in part repealed. St. 1904, 353 § 3; 1906, 291.

SECT. 134 amended. St. 1910, 319. (See 1905, 317 § 2; 1908, 402 § 2; 1910, 614 § 3.)

SECT. 138 revised. St. 1904, 105 § 1.

SECT. 141 repealed. St. 1904, 105 § 2.

SECT. 142 amended. St. 1909, 440 § 2. (See 1906, 291 § 10.)

SECT. 143 amended. St. 1907, 240 § 1; 1908, 182; 1910, 629; 1911, 391.

SECT. 144 amended. St. 1907, 240 § 2.

SECT. 150 *et seq.* Provision for better protection of domestic animals from dogs. St. 1902, 226; 1904, 127.

SECT. 151 amended. St. 1903, 100; 1904, 283; 1911, 392.

SECT. 152. Increase in amount of reward authorized. St. 1905, 106.

SECT. 155 amended. St. 1904, 142; 1907, 241; 1910; 392.

SECT. 168. See St. 1906, 291 §§ 8, 10.

SECT. 170 amended. St. 1908, 368.

SECT. 172 superseded. St. 1908, 385 § 2. (See 1904, 450 § 2, 460; 1905, 341, 342; 1906, 105; 1907, 274; 1909, 189, 514 § 77.)

SECT. 172 *et seq.* See St. 1904, 183; 1906, 384; 1908, 368, 381; 1910, 143.

SECT. 173 amended. St. 1904, 460 § 5; 1907, 309; 1909, 254. (See 1904, 450 § 15; 1905, 341, 342; 1906, 105; 1908, 335.)

SECT. 176 amended. St. 1906, 190, 291 § 4. (See 1906, 384.)

SECT. 178. See St. 1906, 291 § 4.

SECT. 181 amended. St. 1910, 125 § 1.

SECT. 182 amended. St. 1910, 125 § 2.

SECT. 183 amended. St. 1910, 125 § 3.

SECT. 184 amended. St. 1906, 107; 1907, 355; 1910, 532. (See 1906, 384.)

SECT. 186 amended. "Junk collectors" added. St. 1902, 187 § 4. (See 1906, 190, 291 § 4.)

Chapter 103. — Of the Supervision of Plumbing.

This chapter in part superseded by acts, relative to the supervision of the business of plumbing. St. 1909, 536; 1910, 597.

Chapter 104. — Of the Inspection of Buildings.

Licensing and inspection of theatres and public halls regulated. St. 1904, 450; 1906, 105; 1908, 389. (See 1904, 460 §§ 4, 5; 1905, 341, 342; 1908, 335.) Acts to regulate use of cinematographs or similar apparatus. St. 1905, 176, 437; 1908, 565, 566; 1909, 281; 1911, 48, 440. Provision for licenses for and inspection of plumbing work. St. 1909, 536. For inspection of ventilating and lighting of factories and workshops. St. 1907, 537; 1909, 514 § 105; 1911, 603.

Act to prohibit obstruction of means of egress from buildings. St. 1905, 347. Sanitary requirements for certain buildings. St. 1902, 322; 1905, 475; 1906, 250. Storage of explosives and inflammable fluids. St. 1904, 370; 1905, 280; 1908, 502. Provision for safe keeping of matches in stores. St. 1909, 184.

Building laws for Boston. St. 1907, 550; 1908, 336; 1909, 313; 1910, 284, 631; 1911, 342. (See 1892, 419; 1893, 170, 293, 297, 464; 1894, 257, 443; 1895, 97, 239, 280, 314; 1896, 416, 520; 1897, 175, 219, 265, 300, 310, 413; 1898, 209, 228, 268, 308, 452; 1899, 161, 185, 222; 1900, 271, 321, 335 § 2; 1901, 474; 1902, 400; 1903, 301 § 1; 1904, 227, 333, 336, 368, 450 §§ 2, 10; 1905, 342, 383, 426; 1906, 340; 1907, 416, 463; 1908, 339, 347; 1911, 76.)

SECT. 4 amended. St. 1908, 221.

SECTS. 12-15. See St. 1904, 450 §§ 4-10; 1905, 472.

SECTS. 15-18. See St. 1906, 105, 499 § 2.

SECTS. 19, 20 repealed and superseded. St. 1908, 487. (See 1907, 499.)

SECT. 22 *et seq.* An act to regulate public lodging houses in certain cities. St. 1904, 242. (See 1907, 490; 1908, 335; 1909, 504 § 26.)

SECT. 25 amended. St. 1907, 503 § 1. (See 1905, 347 § 1.)

SECTS. 27, 28. Acts relative to the operation and custody of elevators. St. 1902, 350; 1909, 514 §§ 74, 75. (See 1911, 656.)

SECT. 28 amended. St. 1911, 455.

SECT. 29. See St. 1905, 347 § 2.

SECTS. 36, 37 limited. St. 1906, 105 § 1. (See 1905, 347 § 2.)

SECTS. 38-47 repeal and substitute. St. 1909, 514 §§ 91-100, 145. (See 1904, 430; 1906, 522; 1907, 451, 503; 1908, 375; 1909, 413, 514 § 64.)

SECT. 41 amended. St. 1907, 503 § 2. Inspection to be by inspectors of health. St. 1907, 537 § 5. (See 1904, 430; 1906, 522; 1907, 451; 1908, 375, 389; 1909, 354.)

SECTS. 41, 42. See St. 1903, 475; 1904, 347; 1906, 250; 1907, 164.

SECT. 54. See St. 1905, 347.

Chapter 105. — Of the Inspection of Steam Boilers.

The law as to the inspection of steam boilers is revised. St. 1907, 465; 1908, 563; 1909, 393, 410; 1911, 619, 656. (See 1905, 310, 472; 1906, 387, 521, 522; 1907, 373, 451; 1909, 131, 348; 1910, 284; 1911, 562.)

License required for operating hoisting machinery in certain cases. St. 1911, 656.

Board of boiler rules established. St. 1907, 465 § 24.

Inspectors must be examined and certified competent. St. 1907, 465 §§ 5, 6.

SECT. 1. Inspection to be under supervision of a chief inspector of boilers. St. 1907, 465 § 4. (See 1905, 521.)

SECTS. 2, 3. See St. 1907, 465 §§ 2, 3, 13.

SECT. 4 superseded. St. 1907, 465 §§ 14, 15.

SECT. 5. See St. 1907, 465 §§ 3, 15, 17, 19.

SECT. 6. See St. 1907, 465 § 28.

SECT. 9. See St. 1907, 465 § 20; 1908, 563 § 1.

SECTS. 10, 11. See St. 1907, 465 §§ 20, 28.

Chapter 106. — Of the Employment of Labor.

This chapter is repealed and revised by act to codify the laws relating to labor. St. 1909, 514; 1910, 63, 166 § 2, 259, 350, 404, 445, 543, 611; 1911, 151, 178, 208, 229, 241, 249, 263, 269, 281, 310, 313, 431, 484, 532, 553, 584, 629, 751. (See 1902, 183, 322, 350, 384, 430, 435, 446, 450; 1903, 275, 320, 475; 1904, 311, 313, 315, 320, 334, 335, 343, 347, 349, 397, 432; 1905, 213, 231, 238, 267, 304, 308, 341; 1906, 250, 284, 370, 390, 427, 435, 463 II § 167, 499, 517; 1907, 135, 164, 193, 224, 267, 269, 503 § 2, 537, 560 §§ 447, 448, 570, 577; 1908, 217, 228, 306, 325, 380, 420, 457, 485, 489, 547, 553, 605, 645, 650; 1909, 201, 211, 332, 363, 371; 1910, 249, 257, 284, 414, 473; 1911, 63, 113, 136, 339, 541, 603.)

Act to establish a pension system for Commonwealth employees. St. 1911, 532, 553. For county employees. St. 1911, 634.

Act relative to employment in night messenger service. St. 1911, 629.

As to assignments of wages, see 1905, 308; 1906, 390; 1908, 605 §§ 7, 8; 1909, 317, 514 §§ 121-126; 1910, 563; 1911, 727 § 22.

SECT. 18. See St. 1911, 628 §§ 29b, 33.

SECT. 20 extended by act to constitute eight hours a day's work for public employees. St. 1911, 494. (See 1909, 514 § 42.)

SECT. 37. See St. 1911, 229.

Provision for suburban homesteads for workmen. St. 1911, 607.

SECT. 62 amended. St. 1909, 514 § 112; 1910, 350; 1911, 208, 249.

Act relative to imposition of fines by unions. St. 1911, 431.

SECT. 65. See St. 1911, 584.

SECT. 71 *et seq.* See St. 1909, 514 §§ 127-144. Res. 1911, 110.

Industrial accident board established. St. 1911, 751 III.

Act to authorize employers and employees to establish co-operative retirement, annuity, or pension systems. St. 1910, 559.

Act to authorize cities and towns to establish pension systems for employees. St. 1910, 619; 1911, 338. (See 1911, 113, 413, 532.)

Chapter 107. — Of the Bureau of Statistics of Labor and the Board of Supervisors of Statistics.

This chapter is repealed and superseded by St. 1909, 371; 1910, 83; 1911, 59, 74, 158. (See 1902, 438 § 7; 1906, 296, 385 § 2; 1907, 79, 135; 1908, 80, 462, 481, 485 § 7, 517; 1909, 514 §§ 1-8; 1910, 598, 616. Res. 1909, 41. St. 1911, 607. Res. 1911, 142.)

Provision for free employment bureaus in certain cities. St. 1906, 435; 1907, 135; 1908, 306, 462 § 5, 485; 1909, 514 §§ 1-9. (See 1909, 371.)

Chapter 108. — Of District and Other Police Officers.

The fire marshal's department is abolished and duties and powers transferred to detective department of district police. St. 1904, 433; 1905, 280; 1908, 502, 568; 1910, 223, 328, 588. Salaries of fire inspectors. St. 1905, 247 § 1, 461 § 1. (See 1902, 142; 1903, 365; 1904, 370; 1911, 477.)

Tenure of office of police officers. St. 1906, 210; 1907, 272. (See 1911, 624.)

Act to authorize appeals to State board of health from certain requirements of the district police. St. 1907, 499.

Police commissioner for Boston. St. 1906, 291; 1907, 214; 1909, 221. And deputy. St. 1909, 311. (See 1885, 323; 1889, 419, 450; 1894, 266; 1897, 320; 1900, 306; 1903, 312, 428 § 3; 1904, 353, 402; 1905, 223; 1907, 513, 584; 1909, 329; 1911, 287, 727 § 20.)

SECT. 1. Additional members. St. 1903, 333, 365 §§ 2, 4; 1904, 318, 430; 1906, 522 § 1; 1907, 451, 465 § 25, 482; 1908, 185, 470; 1909, 413, 432; 1911, 616, 620. (See 1904, 347 §§ 2-7; 1906, 105 §§ 1-3, 262; 1908, 385 § 1, 389; 1909, 354, 413; 1911, 463.) Age limit. St. 1904, 430; 1906, 522; 1908, 375. Clerks' salaries. St. 1906, 522 § 1; 1909, 410.

SECT. 2. Chief of boiler inspection department. St. 1906, 521; 1911, 619, 656. Chief's report. St. 1910, 179. (See 1906, 387; 1907, 465 §§ 4, 25; 1908, 470, 563 § 2; 1909, 131, 393.)

SECT. 3 *et seq.* Stenographers. St. 1907, 465 § 25, 482; 1908, 479; 1911, 561. Chief may authorize carrying of badges and weapons. St. 1908, 143.

SECT. 4. See St. 1908, 195, 469.

SECT. 5. Salaries fixed. St. 1904, 382, 433; 1905, 247 § 1, 365, 461 § 1; 1906, 480 § 1, 521 § 1, 522 § 1; 1909, 410; 1911, 549, 561, 619, 620. (See 1907, 482.)

Act to provide pensions for the district police. St. 1911, 675.

SECTS. 7, 8. See St. 1903, 475 §§ 3, 5; 1905, 176, 304 § 4, 472; 1906, 262; 1908, 375, 385 § 1, 389, 566, 568; 1909, 189, 354, 504 §§ 42, 44, 514 §§ 75, 80-94, 105; 1910, 259, 404, 565, 588; 1911, 218, 269, 310, 325, 440, 562 §§ 3, 6, 8, 656, 727 § 2.

SECT. 8 amended. St. 1907, 413. Duties transferred to health inspectors. St. 1907, 537 § 5. (See 1910, 284; 1911, 603.)

SECT. 10 amended. St. 1902, 544 § 12.

SECTS. 11, 12 superseded. St. 1909, 514 §§ 34, 35, 145. (See St. 1903, 333; 1908, 470; 1909, 302.)

SECTS. 13-18 in part repealed. St. 1906, 463 I §§ 49-53, 68.

SECT. 17 extended. St. 1904, 59.

SECT. 20 in part repealed. St. 1906, 463 I §§ 55, 68.

SECTS. 21-25 superseded. St. 1906, 463 I §§ 49-55, 68.

SECT. 29 amended. St. 1903, 428 § 1; 1909, 188. (See 1910, 261.)

Mutual aid association. St. 1905, 246; 1910, 295.

SECTS. 29-31. See St. 1909, 453.

SECT. 30 revised. St. 1903, 428 § 2.

SECTS. 32, 33, 36. See St. 1906, 291 § 10.

Chapter 109. — Of Certain Powers, Duties and Liabilities of Corporations.

New provisions made for business corporations. St. 1903, 437; 1904, 207, 261; 1905, 156, 222, 242; 1906, 271 §§ 12, 13, 286, 346, 372; 1907, 282, 332, 395, 396, 578; 1908, 180, 300; 1909, 326; 1910, 353, 385; 1911, 184, 488, 492. This chapter is repealed so far as it applies to corporations subject to St. 1903, 437. St. 1903, 437 § 95. (See 1902, 370, 441, 463; 1903, 423; 1904, 442; 1905, 242; 1906, 269, 392, 437; 1907, 414 § 2; 1908, 454 § 1; 1909, 136, 440 § 2, 490 I, II, III.) Act to prohibit transfer of assets in fraud of the Commonwealth. St. 1910, 187.

Uniform stock transfer act. St. 1910, 171.

Acts relative to recording name and change of name. St. 1907, 539; 1908, 163, 316.

Acts relative to taking deposits for tickets from foreign countries or other purposes. St. 1905, 428; 1906, 408; 1907, 377 § 1; 1908, 493; 1909, 287, 450; 1910, 338; 1911, 358. (See 1908, 599.)

SECT. 1. See St. 1906, 269; 1907, 332; 1911, 70.

SECT. 2. See St. 1910, 187.

SECT. 7 limited. St. 1910, 197.

SECTS. 9-11, 15, 17, 20, 21, 24, 25, 27, 28, 30-35, 40, 52-57 repealed, so far as they apply to railroads or railroad corporations, etc. St. 1906, 463 II §§ 34, 38, 42, 44, 65-70, 258 III §§ 105-112, 138-143. (See 1908, 636; 1909, 369.)

SECTS. 13, 14. See St. 1906, 463 II § 29.

SECT. 18. See St. 1906, 463 III § 4.

SECTS. 24-27. See St. 1902, 441; 1903, 437 § 40; 1906, 392, 437; 1908, 529 § 4, 534; 1909, 477; 1910, 374.

SECTS. 32-35. See St. 1910, 171.

SECTS. 36-39 repealed. St. 1903, 423 § 2. (See 1906, 463 II §§ 41, 258; 1910, 171.)

SECT. 52 *et seq.* See St. 1910, 187.

SECT. 54 amended. St. 1905, 156. (See 1903, 437 § 53.)

SECT. 99. See St. 1906, 463 II § 47.

Chapter 110. — Of Manufacturing and Other Corporations.

New provisions made for business corporations. St. 1903, 437; 1904, 207, 261; 1905, 222; 1906, 271 §§ 12, 13, 286, 346, 372; 1907, 282, 332, 395, 396, 578; 1908, 180, 300; 1909, 326; 1910, 353, 385; 1911, 488, 492. This chapter is repealed so far as it applies to corporations subject to St.

1903, 437. St. 1903, 437 § 95. (See 1902, 441; 1904, 442; 1905, 156; 1908, 454 § 1, 468; 1909, 103, 440 § 2, 441, 490 I and II; 1911, 184, 428.) Act to prohibit transfer of assets in fraud of the Commonwealth. St. 1910, 187.

Act relative to the listing and advertising of shares of stock of mining corporations. St. 1911, 492. (See 1911, 488.)

Uniform stock transfer act. St. 1910, 171.

Acts relative to recording name and change of name. St. 1907, 539; 1908, 163, 316.

SECT. 1. See St. 1906, 204; 1908, 590 § 4; 1909, 491 § 2; 1911, 148.

SECT. 9 amended. St. 1910, 346.

SECT. 10. See St. 1909, 441.

SECTS. 15-20. See St. 1911, 251.

SECTS. 17, 19, 22-25, 27, 28 in part repealed. St. 1906, 463 II §§ 29-32, 37, 40, 43, 258.

SECT. 24. See St. 1907, 576 § 61; 1909, 256.

SECT. 32 amended. St. 1908, 534 § 1. (See 1906, 437; 1909, 316, 477; 1910, 374.)

SECT. 46. See St. 1910, 187.

SECT. 47 amended. St. 1910, 124.

SECT. 48. See St. 1909, 477; 1910, 374.

SECT. 50. See St. 1905, 330.

SECTS. 76-78. See St. 1909, 103.

SECT. 84. See St. 1911, 339.

SECT. 86 amended. St. 1908, 382 § 1. (See 1908, 219.)

Chapter 111. — Of Railroad Corporations and Railroads.

This chapter, except section 158, is repealed by St. 1906, 463 II § 258; and revised by St. 1906, 463 I, II; 1907, 245, 287, 315, 392, 585; 1908, 390, 504, 542, 553, 620, 636, 649; 1909, 47 § 1, 233, 343, 348, 358, 369, 394, 417, 429; 1910, 353, 401, 498, 544, 558, 588, 633; 1911, 120, 290, 486, 491, 508, 681. (See 1902, 298, 402, 432, 440, 507, 533, 544 § 13; 1903, 126, 173, 297, 423, 478; 1904, 59, 96, 169, 265, 357, 429; 1905, 134, 208, 210, 408, 456; 1906, 266, 267, 283, 417, 463 II § 258, 516; 1907, 428, 431; 1908, 220, 372, 495, 552, 599; 1909, 118, 136, 363, 394, 485, 490 I §§ 9, 43, III, 502, 514 §§ 24, 25, 46, 127, 145, 527; 1910, 171, 187, 214, 443, 596; 1911, 184, 214.)

Act relative to employment of engineers and conductors. St. 1911, 539.

Acts for better protection from fire of woodlands adjoining railroads. St. 1907, 431; 1909, 394. Act relative to use of torpedoes, etc. St. 1908, 495.

Act relative to furnishing drinking water on passenger trains. St. 1911, 491.

Acts to regulate formation of electric railroad companies. St. 1906, 516; 1907, 428, 448; 1908, 301, 450. (See 1909, 118.)

Act relative to season tickets. St. 1911, 508.

As to mileage and commutation tickets. See St. 1908, 649.

Acts relative to taking of deposits for transmission to foreign countries, or other purposes. St. 1905, 428; 1907, 377; 1908, 493; 1909, 287, 450; 1910, 338; 1911, 358. (See 1908, 599.)

SECT. 11 *et seq.* See St. 1906, 463 I §§ 5-9; 1911, 755.

SECT. 149 *et seq.* See St. 1906, 463 I §§ 29-45; 1908, 372, 390, 542; 1909, 47, 429; 1910, 498, 544.

SECT. 158. Not repealed by St. 1906, 463. (See 1906, 463 II § 258; 1909, 358.)

Act to restrain the consolidation of railroad corporations. St. 1907, 585.

SECT. 263 *et seq.* See St. 1903, 297; 1906, 463 I § 63; 1907, 392 § 1; 1911, 635.

SECT. 270. See St. 1909, 394.

Chapter 112. — Of Street Railway Corporations.

This chapter is repealed by St. 1906, 463 III § 158; and revised by St. 1906, 463 III, 479; 1907, 318, 392, 402; 1908, 530, 620, 636; 1909, 47 § 1, 369, 417, 485; 1910, 443, 453, 518, 536, 551, 567, 596; 1911, 120, 345, 357, 442, 462. (See 1902, 288, 370, 395, 396, 399, 440, 449, 483; 1903, 134, 143, 202, 320, 328, 423, 476; 1904, 110, 210, 267, 373, 396, 441; 1905, 80, 134, 376; 1906, 266, 267, 283, 339, 463 I § 68, 516; 1907, 428; 1908, 220, 390, 599; 1909, 136, 490 III §§ 40-51, 502, 514 § 46; 1910, 171, 592; 1911, 184.) Provision for temporary locations. St. 1908, 266; 1910, 518. Issue of stock or bonds for working capital. St. 1909, 485. Transportation of milk and cream. St. 1908, 278. And military supplies and equipment. St. 1909, 118.

Act relative to joint use of tracks by street railway companies. St. 1911, 487. Act relative to pole and wire locations. St. 1911, 442. (See 1911, 509.)

Acts relative to electric railroad companies. St. 1906, 463 III, 516; 1907, 428, 448; 1908, 301, 450; 1910, 596; 1911, 120, 345, 357. (See 1907, 556; 1908, 220, 552.) Act limiting time of construction. St. 1910, 587.

Provision for purchase of property of foreign companies. St. 1910, 443.

As to elevated railways and subways in and near Boston, see St. 1887, 413 §§ 4-6; 1890, 368, 454 § 12; 1894, 548, 550; 1895, 440; 1896, 492; 1897, 500; 1900, 258; 1902, 114, 534; 1904, 167; 1906, 213, 520; 1907, 258, 573; 1908, 521, 551; 1909, 383, 455; 1910, 630; 1911, 623, 740, 741.

Chapter 113. — Of Savings Banks and Institutions for Savings.

This chapter is repealed and revised by St. 1908, 590; 1909, 491; 1910, 281, 358, 392, 399, 622; 1911, 211, 228. (See 1902, 169, 355, 463, 483, 490; 1904, 200, 208, 210, 374 § 5, 427; 1905, 211, 250; 1906, 66, 204, 347, 377, 463 III §§ 147-150, 479; 1907, 340, 377, 533, 561, 576; 1908, 222, 414, 493, 520, 523; 1909, 399, 419, 490 III §§ 21-23; 1910, 263, 656; 1911, 618.)

Acts relative to savings deposits in trust companies. St. 1908, 520; 1909, 342; 1911, 337.

Act relative to proceedings against delinquent banks. St. 1910, 399.

Savings banks may establish life insurance departments. St. 1907, 561; 1908, 22. (See 1907, 576.)

SECT. 3. See St. 1909, 491 § 3.

SECT. 6. See St. 1908, 590 § 9; 1910, 399; 1911, 339.

SECT. 11. See St. 1907, 576 § 61; 1909, 256, 491 § 4; 1911, 344.

SECTS. 14, 31. See St. 1908, 590 § 69.

SECT. 25. See St. 1909, 491 § 7.

SECT. 26. Cl. 7. See 1908, 590 § 68; 1909, 491 § 8.

SECT. 35. See St. 1911, 228.

SECT. 38. See St. 1910, 370.

Chapter 114. — Of Co-operative Banks.

Acts to provide for appointment of a bank commissioner and deputy, St. 1908, 590 §§ 2-15; 1909, 399; 1910, 393, 399; 1911, 81. (See 1906, 204, 347, 377; 1907, 561; 1908, 414, 493, 520 §§ 10, 11, 13, 15; 1909, 399; 1910, 263, 281, 338, 656 § 6; 1911, 184.)

Act to authorize the incorporation of credit unions. St. 1909, 419.

Acts relative to unauthorized banking. St. 1906, 377; 1908, 590 § 16; 1909, 491 § 4.

Act relative to proceedings against delinquent banks. St. 1910, 399. (See 1911, 618.)

Consolidation of two or more banks authorized and regulated. St. 1904, 392. (See 1906, 204.)

SECT. 1. See St. 1909, 419 § 25.

SECT. 2. See St. 1906, 204 § 4; 1908, 590 § 4; 1909, 490 III § 25, 491 § 2; 1911, 148.

SECT. 3. See St. 1909, 419 § 3.

SECT. 4 amended. St. 1903, 147 § 1.

SECT. 7. See St. 1907, 576 § 61; 1909, 256.

SECTS. 9, 10 amended. St. 1903, 95 §§ 1, 2.

SECT. 10. See St. 1907, 576 § 61.

SECT. 11 amended. St. 1910, 288.

SECT. 14. Loans limited. St. 1904, 292 § 1. Act relative to mortgages to co-operative banks. St. 1907, 351.

SECT. 17 revised. St. 1906, 280 § 1.

SECT. 24 revised. St. 1903, 203 § 1.

SECTS. 26-30. See St. 1906, 204 § 3.

SECT. 30 amended. St. 1910, 364.

SECT. 31 (new section) added, relative to increase in limit of capital. St. 1903, 147 § 2. (See 1910, 364.)

Chapter 115. — Of Banks and Banking.

Acts to provide for the appointment and relative to the duties of a bank commissioner and deputy. St. 1908, 414, 520 §§ 10, 11, 13, 15, 590 §§ 2-15; 1909, 399; 1910, 393, 399; 1911, 81, 607. (See 1906, 204, 377; 1907, 319 §§ 2-4, 377, 561; 1910, 263, 281, 338, 656 § 6; 1911, 184, 228.)

Board of bank incorporation. St. 1908, 590 § 4; 1909, 491 § 2; 1911, 148.

Supervisor of loan agencies. St. 1911, 727 § 1. (See 1909, 317.)

Provision for registration of public accountants. St. 1909, 399; 1910, 263.

Act relative to unauthorized banking. St. 1906, 377; 1908, 590 § 16, 69; 1909, 491 § 4. Act relative to proceedings against delinquent banks. St. 1910, 399. (See 1911, 618.) Foreign banking associations or corporations. St. 1906, 66 § 1, 204 § 3, 347; 1910, 343. (See 1902, 463.) Act relative to foreign banking corporations doing business as savings banks. St. 1907, 533; 1909, 491 § 4. (See 1908, 520; 1911, 228.)

Acts regulating business of receiving funds for tickets from or to foreign countries or supply of laborers. St. 1905, 428; 1906, 408; 1907, 377; 1908, 493; 1909, 287 § 1, 450; 1910, 338; 1911, 358. (See 1908, 599.)

SECT. 3. See St. 1906, 204 § 3.

SECT. 17 *et seq.* See St. 1902, 169 §§ 3, 4; 1908, 590 §§ 19, 20.

SECT. 56 *et seq.* See St. 1904, 263.

SECT. 67. See St. 1906, 204 § 3.

SECTS. 90-94. See St. 1907, 576 § 30.

SECTS. 110, 111. See St. 1911, 339.

SECTS. 112-115. See St. 1906, 204 § 3.

Chapter 116. — Of Trust Companies.

Acts regulating the incorporation and business of trust companies. St. 1904, 374; 1905, 331; 1908, 520; 1909, 342, 491; 1910, 377, 399; 1911, 228, 337, 389. (See 1904, 200; 1909, 490 III § 37; 1911, 184.)

Acts relative to examinations of trust companies. St. 1907, 319; 1908, 520 § 14. Act relative to proceedings against delinquent trust companies and banks. St. 1910, 399.

Act relative to voluntary associations under written instruments St. 1909, 441.

Officers and offices not to be same as or connected with those of a savings bank. St. 1902, 169 §§ 3, 4; 1908, 590 §§ 18, 19. As to maintenance of branch offices, see St. 1902, 355 § 2; 1908, 520 § 15. Savings deposits. St. 1908, 520; 1909, 342; 1911, 337.

SECTS. 2-6. See St. 1904, 374 §§ 1-5; 1906, 204 § 3; 1908, 590 § 4.

SECT. 3 amended. St. 1909, 491 § 1.

SECT. 5 amended. St. 1907, 487. Act relative to increase of capital. St. 1905, 189.

SECT. 7 *et seq.* An examining committee required. St. 1908, 520 § 14. (See 1907, 319 § 1.)

SECT. 8 amended. St. 1911, 87.

SECT. 12. See St. 1908, 520; 1909, 342.

SECT. 16 amended. St. 1907, 417. (See 1907, 340 § 2; 1908, 590 § 57; 1910, 370.)

SECT. 18 amended. Trust company may be appointed conservator. St. 1908, 116, 505. Affected. St. 1911, 389.

SECT. 20. See St. 1906, 204 § 4; 1908, 590 § 4; 1909, 491 §§ 2, 8; 1911, 148.

SECT. 28. See St. 1904, 374 § 7; 1905, 331 § 1; 1908, 520 § 8; 1910, 377.

SECT. 30 amended. St. 1905, 228.

SECT. 36 amended. St. 1907, 320; 1908, 520 § 13. (See 1909, 342 § 2.)

SECT. 37. See St. 1906, 204 § 3.

SECT. 38. See St. 1910, 399 § 12.

Chapter 117. — Of Mortgage Loan and Investment Companies.

Act to regulate bond and investment companies. St. 1904, 427. (See 1906, 204.)

SECTS. 14, 15. See St. 1906, 204 §§ 3, 4; 1908, 590 §§ 2, 3.

Chapter 118. — Of Insurance.

This chapter is repealed and superseded by St. 1907, 576; 1908, 81, 151, 162, 163, 165, 166, 170, 248, 436, 471, 473, 482, 509, 511, 646; 1909, 92, 95, 192, 242, 345, 390, 415, 467, 488; 1910, 185, 256, 366, 375, 426, 463, 489, 493, 499, 552, 649; 1911, 51, 205, 251, 292, 315, 329, 344, 361, 406, 429, 493, 751 IV. (See 1902, 106, 340; 1903, 174, 223, 307, 421; 1904, 240, 247, 300, 304, 427; 1905, 191, 287, 315, 401; 1906, 271 § 7, 396; 1907, 539, 561; 1908, 195, 222, 463, 469, 563 § 2; 1909, 267, 490 II §§ 26-36, III §§ 26-32, 53; 1910, 179, 235, 559 §§ 1, 2; 1911, 532 §§ 8, 9, 628 §§ 4, 12, 634 §§ 8-10.)

Act relative to incorporation of companies on the mutual plan. St. 1911, 251.

Massachusetts Employees Insurance Association established. St. 1911, 751 IV.

Act to permit savings banks to establish life insurance departments. St. 1907, 561; 1908, 222.

Act relative to voluntary exchanges of life policies. St. 1908, 436.

Act relative to change of name of certain corporations. St. 1908, 163.

SECT. 6 *et seq.* See St. 1910, 619 §§ 8, 9, 10; 1911, 628 §§ 12-29, 634 §§ 8, 9.

SECT. 7. See St. 1911, 339.

General insurance guaranty fund established, and a State actuary and medical director provided for. St. 1907, 561 §§ 14, 15, 16. (See 1907, 576 § 5.)

Board of appeal for fire insurance rates. St. 1911, 493.

Act relative to preferred claims against insolvent domestic fire insurance companies. St. 1908, 151.

SECT. 29. See St. 1911, 251.

Chapter 119. — Of Fraternal Beneficiary Corporations.

This chapter in part superseded by an act to provide for the control and regulation of fraternal benefit societies. St. 1911, 628. (See 1911, 751.)

Act to authorize the incorporation of credit unions. St. 1909, 419. Establishment by employers and employees of retirement, annuity, or pensions systems. St. 1910, 559.

SECTS. 1, 2. See St. 1903, 332 § 1.

SECT. 6 extended. St. 1911, 111. Domestic corporation may adopt provisions of R. L., ch. 120. St. 1904, 155; 1909, 294. (See 1904, 427 § 7; 1907, 576 § 35; 1909, 514 § 30.)

SECT. 11 amended. St. 1908, 463.

SECT. 12 amended. St. 1903, 332 § 1; 1909, 407; 1910, 339. (See 1911, 111.) License under St. 1908, 605 not required. St. 1909, 278. (See 1911, 727.)

Provision for partial payment on death of wife. St. 1904, 271.

SECT. 13 amended. St. 1907, 471. Restriction as to name. St. 1905, 315. Act relative to change of name. St. 1908, 163. Provision for injunction. St. 1910, 98.

SECT. 14. See St. 1903, 166.

SECT. 15 *et seq.* See St. 1910, 649.

SECT. 16 amended. St. 1907, 472; 1910, 296.

SECT. 17. See St. 1903, 332 § 1.

Chapter 120. — Of Assessment Insurance.

SECT. 1. Domestic corporation organized under R. L., ch. 119, may also carry on business under this chapter. St. 1904, 155. (See 1904, 427 § 7; 1907, 576 § 35; 1909, 514 § 30; 1911, 628.)

Massachusetts Employees Insurance Association established. St. 1911, 751 IV.

Act relative to change of name of certain corporations. St. 1908, 163.

SECT. 6. See St. 1904, 155 § 3, 427 § 7.

SECT. 8 is revised. St. 1910, 237.

SECT. 9. See St. 1911, 339.

SECT. 13 amended. St. 1903, 227.

Chapter 121. — Of Gas and Electric Light Companies.

Acts relative to meters used by gas companies. St. 1911, 434, 558.

Acts relative to electric power companies. St. 1908, 617; 1911, 349.

Act to authorize the purchase, sale and consolidation of gas and electric light companies. St. 1908, 529; 1909, 316. (See 1906, 392; 1910, 187, 197.)

Act relative to loss by fire of money in cash recording meters. St. 1911, 434.

SECT. 1 amended. St. 1907, 316; 1910, 539. (See 1908, 655.)

SECTS. 1-4. Powers and duties of inspector of gas meters transferred to board of gas and electric light commissioners. St. 1902, 228; 1909, 316, 318; 1910, 651; 1911, 509. (See 1903, 464; 1905, 211 § 1; 1906, 422; 1909, 490 III § 9; 1911, 184, 558.) Inspectors' salaries. St. 1902, 288 § 6; 1907, 54 § 2; 1908, 536 § 2.

SECT. 3 superseded. St. 1908, 536 § 2. (See 1907, 54 § 1.)

SECT. 4 superseded. St. 1904, 435.

SECT. 5 *et seq.* See St. 1910, 651.

SECT. 7 amended. St. 1911, 293. (See St. 1905, 211 § 1.)

SECT. 9. See St. 1906, 422 § 4.

SECT. 10. Acts relative to increase of stock. St. 1908, 534; 1909, 477; 1910, 374. (See 1906, 392, 437.)

- SECT. 13. See St. 1910, 187, 197.
SECT. 14. See St. 1908, 529; 1909, 316 § 1; 1910, 124.
SECT. 21. See St. 1903, 320.
SECT. 22. See St. 1906, 392; 1908, 529 § 5; 1909, 316 § 1.
SECT. 26. See St. 1908, 617.
SECT. 31 amended. St. 1903, 406 § 1.
SECT. 33 amended. St. 1903, 164.
SECT. 34. See St. 1903, 464.
SECTS. 34, 35 limited. St. 1906, 422 § 10.
SECT. 36 amended. St. 1911, 348.
SECT. 40 amended. St. 1908, 243.

Chapter 122. — Of Companies for the Transmission of Electricity.

Acts relative to the filing and receiving time of telegrams. St. 1909, 402, 542.

Act relative to responsibility for loss by fire of money in cash recording meters. St. 1911, 434.

Act relative to employment of night messengers. St. 1911, 629.

Acts relative to electric power companies. St. 1908, 617; 1911, 349.

The Massachusetts highway commission to have general supervision of all companies engaged in the transmission of intelligence by electricity. St. 1906, 433. (See 1909, 402, 490 III §§ 40-44, 52, 62.)

As to electric railroad companies, see St. 1906, 516; 1907, 428, 448, 556; 1908, 220, 301, 552; 1909, 490 III §§ 40-51; 1911, 442, 481.

SECT. 1 revised. St. 1911, 509 § 1. (See St. 1903, 320; 1911, 481.)

SECT. 2 revised. St. 1911, 509 § 2. (See 1903, 237; 1906, 117 § 1; 1911, 509 §§ 7, 8.)

SECT. 9. See St. 1906, 433.

SECT. 10 affected. St. 1909, 402, 542.

SECT. 12. See St. 1906, 433.

SECT. 17 revised. St. 1911, 509 § 3.

SECT. 19. See St. 1911, 364, 371.

SECT. 20 revised. St. 1911, 509 § 4.

SECT. 23 revised. St. 1911, 509 § 5.

SECT. 24. See St. 1906, 433 §§ 8, 9.

SECT. 27 amended. St. 1908, 233.

SECT. 28 revised. St. 1911, 509 § 6.

Chapter 123. — Of Proprietors of Wharves, Real Estate Lying in Common, General Fields, and Aqueduct Corporations.

SECT. 42 repealed so far as relates to transfer of stock. St. 1903, 423 § 2.

Chapter 124. — Of Agricultural and Horticultural Societies.

SECT. 1 amended. St. 1909, 133. Affected. St. 1909, 428.

SECT. 2 *et seq.* Act to encourage and improve the breeding of poultry. St. 1909, 428.

SECT. 6 amended. St. 1907, 189.

Chapter 125. — Of Corporations for Charitable and Other Purposes.

Act relative to change of name. St. 1908, 163.

Act to authorize incorporation of medical milk commissions. St. 1911, 506.

SECT. 2. Charter may be revoked in certain cases. St. 1902, 524; 1907, 336, 337 § 3. (See 1909, 428.)

SECT. 4. Act to regulate changes in location of certain corporations. St. 1907, 337. (See 1906, 291 § 10.)

SECT. 5 amended. St. 1910, 181.

SECT. 13. See St. 1902, 430; 1903, 275.

SECTS. 17, 18 in part repealed. St. 1906, 463 I §§ 46, 47, 68. (See 1909, 514 § 135; 1911, 751 II § 12, V § 4.)

SECT. 19 repealed. St. 1906, 463 I §§ 48, 68. (See 1909, 514 § 135.)

SECT. 20. Trustees shall make annual reports. St. 1904, 248. (See 1905, 211; 1906, 275.)

SECT. 22. See St. 1905, 216; 1906, 275.

Chapter 126. — Of Foreign Corporations.

This chapter, except section 8, is repealed so far as it applies to corporations subject to St. 1903, 437. St. 1903, 437 §§ 56-70, 95; 1905, 233, 242; 1906, 346 § 2, 347. (See 1902, 349, 463; 1904, 207, 261, 442; 1905, 156, 222; 1906, 271, 372.)

Foreign banking associations or corporations. St. 1906, 66, 204 § 3, 347. (See 1902, 463.)

SECT. 4. See St. 1905, 242; 1906, 269.

SECT. 6. See St. 1903, 437 § 66; 1905, 233.

SECT. 9. See St. 1906, 269.

Chapter 127. — Of the Alienation of Land.

SECT. 1 affected. St. 1910, 376.

SECTS. 1-6. Signature of married woman under twenty-one to conveyance of husband's land has same validity as if she were over that age. St. 1902, 478.

Final decree in equity for conveyance of real estate to have force and effect of a deed in certain cases. St. 1910, 376.

SECT. 5. See St. 1907, 225.

SECT. 7. See St. 1910, 376.

SECT. 8 amended. "Special commissioners" added. St. 1902, 289.

SECTS. 12-16. See 1907, 294.

SECT. 34 revised. St. 1908, 149. (See 1907, 294; 1909, 160, 198.)

Chapter 128. — Of the Registration and Confirmation of Titles to Land.

Name of court changed to "Land Court," jurisdiction enlarged and proceedings regulated. St. 1904, 448; 1905, 249, 288; 1906, 50, 344. (See 1905, 195, 286, 291, 296.) Court may determine questions relating to written instruments purporting to authorize transfer of real estate. St. 1906, 344.

Act to permit transfer of actions to and from the Superior Court. St. 1911, 433.

An act relative to the execution of certain decrees in equity. St. 1910, 376.

SECT. 1 amended. St. 1904, 448 § 10; 1905, 249 § 1; 1910, 560 § 3. (See 1911, 433.)

SECT. 7. See St. 1907, 225 § 3.

SECT. 10. See St. 1908, 195, 469.

SECT. 12. Salaries changed. St. 1904, 386; 1906, 416. Provision for retirement of judges on a pension. St. 1908, 179.

SECT. 13 revised. St. 1910, 560 § 1. (See 1902, 458; 1904, 448 §§ 3, 8; 1905, 249, 288, 291; 1907, 225 § 3.)

SECTS. 13-17. See St. 1904, 448 § 3; 1905, 249, 288, 291.

SECT. 14. See St. 1910, 376.

SECT. 18 amended. St. 1905, 249 § 2. Affected. St. 1906, 50 § 3. (See 1905, 296 § 2.)

SECT. 28. See St. 1907, 225 § 3.

SECT. 29. See St. 1904, 448 § 6.

SECT. 31. See St. 1907, 204.

SECT. 32 amended. St. 1906, 452 § 1.

SECTS. 34, 36, 37, 40. See St. 1910, 376.

SECT. 35. Act relative to compensation of masters. St. 1905, 195.

SECT. 36 amended. St. 1910, 245.

SECT. 37 amended. St. 1910, 560 § 4.

SECT. 38 amended. St. 1911, 9.

SECT. 40. See St. 1904, 448 § 4.

SECT. 55. See St. 1907, 225 § 3.

SECT. 59. See St. 1907, 351; 1909, 160.

SECT. 61. See St. 1907, 294.

SECT. 62 amended. St. 1905, 296 § 1. Limited. St. 1905, 296 § 2.

SECT. 89. See St. 1904, 317, 443.

SECT. 109. See St. 1905, 249 § 3.

Chapter 129. — Of Estates for Years and at Will.

As to payment of legacy tax on estates where there is an intervening estate for life or a term of years, see St. 1902, 473; 1904, 421; 1907, 563 §§ 4-7; 1909, 490 IV §§ 5-7, 527 §§ 2-4.

Chapter 131. — Of Homesteads.

SECT. 6. See St. 1906, 129.

Chapter 132. — Of the Rights of a Husband in the Real Property of His Deceased Wife, and the Rights of a Wife in that of Her Deceased Husband.

Act relative to conveyances and will of a husband deserted by his wife, or living apart from her for justifiable cause. St. 1906, 129.

SECT. 1. St. 1894, 170, is declared to be in full force in respect of claims to which surviving husband or wife was entitled on or before December 31, 1901, under Public Statutes, ch. 124 §§ 1, 3. St. 1902, 482.

SECTS. 4, 5. Signature of married woman under twenty-one is valid. St. 1902, 478.

SECT. 9 amended. St. 1904, 306.

Chapter 134. — General Provisions relative to Real Property.

As to payment of legacy tax on estates where there is an intervening estate for life or years, see St. 1902, 473; 1904, 421; 1907, 563 §§ 4-7; 1909, 490 IV §§ 5-7, 527 §§ 2-4.

SECT. 14. See St. 1910, 376.

SECT. 18. See St. 1907, 351; 1909, 160.

Chapter 135. — Of Wills.

SECT. 5 amended. St. 1911, 246.

SECT. 7. See St. 1911, 246.

SECT. 12 amended. St. 1902, 160.

SECT. 16. If the probate court decrees that husband has been deserted by wife, or has left her for justifiable cause, wife may not waive provisions of his will. St. 1906, 129 § 1.

SECTS. 22-24. See St. 1909, 198.

Chapter 136. — Of the Probate of Wills and the Appointment of Executors.

SECT. 1 amended. St. 1905, 90.

SECT. 4 amended. St. 1907, 130.

SECT. 6 amended. St. 1911, 588.

Chapter 137. — Of the Appointment of Administrators.

SECTS. 1, 2. See St. 1909, 490 IV § 22; 1911, 551.

SECTS. 10, 11. See St. 1910, 411.

SECT. 13 amended. St. 1908, 153.

Chapter 138. — Of Public Administrators.

SECT. 1 amended. Number limited. St. 1908, 510, 621.

SECT. 2 amended. St. 1907, 284. (See 1910, 411.)

SECTS. 3-5. See St. 1909, 114.

SECT. 10. See St. 1910, 411.

SECTS. 10, 11. Public administrators may be authorized by probate courts to have charge of and to lease or sell real estate. St. 1903, 260 §§ 1, 2; 1905, 124 § 1. Sales made under St. 1903, 260 § 1, ratified. St. 1905, 124 § 2.

Chapter 139. — General Provisions relative to Executors and Administrators.

Act relative to the settlement of estates of deceased persons. St. 1910, 411.

SECTS. 2, 3. See St. 1907, 549.

SECT. 5. See St. 1907, 563 §§ 8, 9, 23; 1909, 527 §§ 5, 9.

SECT. 6. See St. 1909, 198.

Chapter 140. — Of Allowances to Widows and Children, the Distribution of the Estates of Intestates and of Advancements.

SECT. 3. Cl. 3 amended. St. 1905, 256.

Chapter 141. — Of the Payment of Debts, Legacies and Distributive Shares.

Act relative to suits against executors, administrators, trustees and guardians. St. 1911, 147.

Act to provide for the taxation of legacies and successions. St. 1907, 563.

Attachment of property of a deceased person restricted. St. 1907, 553.

SECT. 2 amended. St. 1904, 165.

SECT. 6 amended. St. 1908, 313.

SECT. 9 *et seq.* Affected. St. 1911, 147. Time limited within which real estate may be taken or sold for payment of debts. St. 1907, 549.

SECT. 13. See St. 1907, 563 § 4; 1909, 490 IV § 4, 527 § 2.

SECTS. 26, 27. See St. 1911, 147.

Chapter 142. — Of Insolvent Estates of Deceased Persons.

SECT. 1 amended. St. 1909, 297.

SECT. 2 amended. St. 1907, 257.

SECT. 3 amended. St. 1911, 177.

Chapter 143. — Of the Settlement of the Estates of Deceased Non-residents.

SECT. 2 amended by act to facilitate settlements. St. 1904, 360. (See 1910, 411.)

Chapter 144. — Of the Settlement of Estates of Absentees.

Act relative to the settlement of trust estates, the final disposition of which depends upon the death of a beneficiary who has disappeared or absconded and not been heard of for fourteen years. St. 1905, 326.

SECT. 1 revised. St. 1903, 241 § 1; 1906, 224 § 1. (See 1902, 544 § 14.)

SECTS. 3-5, 7, 8. See St. 1902, 544 §§ 15-19; 1903, 241 § 3.

SECT. 4 amended. St. 1904, 206 § 1.

SECTS. 7-9. See St. 1909, 115.

SECT. 9 amended. St. 1906, 175 § 1.

SECT. 11 revised. St. 1903, 241 § 2.

SECT. 12. See St. 1902, 544 § 20; 1904, 206 § 2.

Chapter 145. — Of Guardianship.

SECT. 4 amended. Parents or surviving parent to have custody of minor, if competent. St. 1902, 474; 1904, 163. (See 1902, 324; 1908, 286.)

SECT. 6. Repeal and substitute. St. 1909, 504 §§ 99, 101, 107; 1911, 206. (See 1907, 169 § 1.)

SECT. 7 amended. St. 1907, 169 § 2.

SECT. 10. See St. 1908, 75.

SECT. 20. Repeal and substitute. St. 1909, 504 §§ 104, 107.

SECT. 23 amended. St. 1906, 452 § 2.

SECT. 25 *et seq.* See St. 1911, 147.

SECT. 28. See St. 1906, 501; 1909, 174.

SECT. 30 *et seq.* See St. 1908, 75.

SECT. 40 amended. St. 1903, 96 § 1; 1905, 127 § 1; 1907, 169 § 3; 1911, 206. A trust company may be appointed. St. 1908, 116, 505. (See 1909, 256.)

SECT. 41 amended. St. 1910, 95.

Chapter 146. — Of Sales, Mortgages and Leases of Real Property by Executors, Administrators and Guardians.

SECT. 1 *et seq.* Time limited within which real estate may be sold for payment of debts. St. 1907, 549. See St. 1909, 198.

SECT. 13. Repeal and substitute. St. 1909, 504 §§ 102, 107.

SECT. 18 amended. St. 1904, 217 § 1; 1906, 73 § 1; 1907, 236 § 1.

SECT. 25 amended. St. 1907, 219 § 1.

SECT. 26. See St. 1909, 160.

Chapter 147. — Of Trusts.

Act relative to suits against trustees. St. 1911, 147.

Act relative to trustees of voluntary associations under written instruments. St. 1909, 441.

SECT. 15 amended. St. 1907, 262.

Chapter 148. — Provisions relative to Sales, Mortgages, etc., by Executors, etc.

Public administrators may be licensed to lease or sell real estate. St. 1903, 260.

Time limited within which real estate may be sold for payment of debts. St. 1907, 549.

SECT. 3. See St. 1907, 563 §§ 16, 17; 1909, 490 IV §§ 16, 17.

SECT. 11. See St. 1911, 147.

SECT. 14 revised. St. 1907, 447.

SECTS. 14-18. Probate court to have jurisdiction. St. 1903, 222 § 1.

SECT. 15. Certain proceedings of probate courts are confirmed. St. 1902, 538.

SECTS. 15, 16. See St. 1911, 588.

Chapter 149. — Of Bonds of Executors, Administrators, Guardians and Trustees.

Provisions of this chapter extended to trustees holding property for public charitable purposes. St. 1908, 295.

SECT. 1. See St. 1909, 256. Cl. 4; see St. 1905, 326; 1906, 224.

SECT. 6. See St. 1908, 295.

SECT. 9. Limited. St. 1907, 576 § 61.

SECT. 20 *et seq.* See St. 1911, 147.

Chapter 150. — Of the Accounts and Settlements of Executors, Administrators, Guardians, Trustees and Receivers.

Act to regulate disbursements by trustees. St. 1907, 371. (See 1907, 563 §§ 8, 9.)

Act relative to suits against executors, administrators, trustees and guardians. St. 1911, 147.

Trusts for benefit of a city or town to be audited by city or town auditor. St. 1904, 322.

Act relative to the settlement of trust estates the final disposition of which depends upon the death of a beneficiary who has disappeared or absconded and not been heard of for fourteen years. St. 1905, 326.

SECT. 2. See St. 1909, 490 IV § 23; 1910, 481.

SECTS. 4, 5. See St. 1910, 411.

SECT. 8. See St. 1907, 294.

SECT. 17 amended. St. 1907, 438.

SECT. 20. See St. 1909, 490 IV § 23; 1910, 481; 1911, 191.

SECT. 23. See St. 1910, 370.

SECT. 25 amended. St. 1906, 127 § 1.

Chapter 151. — Of Marriage.

SECT. 11. See St. 1902, 324; 1907, 390.

SECT. 14 revised. St. 1902, 310.

SECT. 16 amended. St. 1911, 736 § 1. (See 1911, 736 § 6.)

SECT. 18. See St. 1911, 136.

SECT. 20 amended. St. 1907, 159. (See 1911, 736 § 4.)

SECT. 23 amended. St. 1911, 736 § 2. (See 1911, 736 § 4.)

SECT. 25 amended. St. 1911, 736 § 3.

SECT. 40. Advertising to perform or procure performance of marriage ceremony is made punishable. St. 1902, 249.

Chapter 152. — Of Divorce.

Provision for investigation in suits for divorce or nullification. St. 1907, 390.

SECTS. 7-8 affected. St. 1911, 121.

SECT. 13 amended. St. 1902, 544 § 21.

SECT. 15 amended. St. 1911, 85

SECT. 24. See St. 1906, 129.

SECT. 25. Court having jurisdiction may bring before it on *habeas corpus* any child whose care or custody is in question. St. 1902, 324. (See 1902, 474.)

SECT. 39. See St. 1909, 49.

SECT. 41 amended. St. 1911, 127.

Chapter 153. — Of Certain Rights and Liabilities of Husband and Wife.

Act relative to conveyances and will of a husband deserted by his wife or living apart from her for justifiable cause. St. 1906, 129.

SECT. 7 amended. St. 1910, 576.

SECT. 10. See St. 1910, 576.

SECTS. 15, 16. See St. 1902, 478; 1908, 75.

SECT. 31 *et seq.* See St. 1906, 501.

SECT. 33. See St. 1902, 324; 1903, 334; 1905, 307; 1906, 129, 501; 1909, 180; 1911, 456.

SECT. 37. See St. 1906, 501; 1909, 180.

Chapter 154. — Of the Adoption of Children and Change of Name.

SECT. 2 amended. St. 1902, 544 § 22; 1904, 302.

SECT. 3 amended. St. 1907, 405.

Chapter 156. — Of the Supreme Judicial Court.

SECT. 5 amended. Provision for jurisdiction of actions of contract and replevin stricken out. St. 1905, 263 § 1. (See 1906, 306 § 2, 372, 377, 433 § 7.) For removal of pending actions of contract or replevin. St. 1909, 33.

SECT. 7. Act relative to exceptions in civil actions before a jury. St. 1908, 177.

SECTS. 15, 16. Plymouth law questions to be heard in Suffolk. St. 1903, 54 §§ 1, 2.

SECT. 26 amended. St. 1911, 743 § 1.

Chapter 157. — Of the Superior Court.

Act to permit transfer of actions to and from the Land Court. St. 1911, 433.

SECT. 1. Number of associate justices increased. St. 1907, 286; 1911, 567. (See 1902, 383; 1903, 472 § 2.)

SECT. 2 amended. St. 1910, 555 § 1. (See 1908, 465.)

SECT. 3. Jurisdiction in writs of entry, petitions to try title to real estate, to determine validity of encumbrances on real estate, to discharge mortgages and to determine boundaries of flats, transferred to the land court. St. 1904, 448 § 1; 1906, 50. (See 1903, 383 § 4; 1905, 195, 249, 288, 291; 1906, 344; 1909, 394 § 2.) Provision for issue of *habeas corpus* in disputes as to care or custody of child. St. 1902, 324.

SECT. 4. See St. 1905, 263 § 1; 1906, 433 § 7, 434 § 2; 1908, 380; 1909, 33, 394 § 2, 433 § 4; 1911, 176 § 1, 461.

SECT. 5 repealed. St. 1910, 555 § 3.

SECT. 6. See St. 1905, 288.

SECT. 8 repealed. St. 1910, 555 § 3.

SECTS. 9, 10. See St. 1911, 432 § 1.

SECT. 16. See St. 1911, 432 § 2.

SECT. 21. Act relative to exceptions in certain cases. St. 1908, 177.

SECTS. 21, 34, 35. Provision for expense of printing and transportation of papers, etc. St. 1907, 80.

SECT. 24. Sessions changed: Barnstable, St. 1902, 456 § 2. Berkshire, 1904, 38. Essex, 1911, 430. Hampden, 1904, 144; 1907, 26. Hampshire, 1911, 254, 483. (See 1911, 68.) Middlesex, 1903, 97 § 1; 1909, 197. Plymouth, 1903, 54 §§ 3-5. Suffolk, 1902, 456 § 1; 1903, 472 § 1.

SECT. 27 amended. St. 1909, 193.

SECT. 28. See St. 1907, 176; 1909, 504 § 51.

SECT. 30 *et seq.* See St. 1908, 465 § 1.

SECT. 35 amended. St. 1911, 743 § 2. Provision for pensions. St. 1911, 527.

Chapter 158. — Provisions Common to the Supreme Judicial Court and the Superior Court.

SECT. 4. See St. 1907, 204; 1910, 473; 1911, 136.

SECT. 9 amended. St. 1910, 555 § 2.

SECT. 10 amended. St. 1908, 179; 1910, 540 § 1.

SECT. 11 amended. St. 1910, 540 § 2.

Chapter 159. — Of the Equity Jurisdiction and Procedure of the Supreme Judicial Court and the Superior Court.

Act relative to the execution of certain decrees in equity. St. 1910, 376. (See 1911, 339.)

Act to permit transfer of actions between the Superior and Land Courts. St. 1911, 433.

SECTS. 1-3. See St. 1903, 383 § 4; 1905, 315; 1906, 306 § 2, 372, 377 § 2; 1908, 380; 1909, 177, 433 § 4; 1910, 98.

SECT. 3 amended. St. 1902, 544 § 23; 1910, 531 § 2.

SECT. 8 amended. St. 1909, 183.

SECTS. 8-10. See St. 1909, 116.

SECT. 11. Separate equity docket in Essex. St. 1905, 107.

SECT. 19 amended. St. 1911, 284 § 1. (See 1910, 376; 1911, 339.)

SECT. 21. See St. 1911, 339.

SECT. 30 amended. St. 1911, 284 § 2. (See 1911, 339.)

SECT. 32. See St. 1911, 339.

SECT. 34 amended. St. 1911, 284 § 3.

Chapter 160. — Of Police, District and Municipal Courts.

Act to provide for retirement of justices. St. 1911, 682.

SECT. 1. Jurisdiction extended: Fitchburg, St. 1904, 259. Lowell, 1904, 264. Lynn, 1911, 414 § 1. (See 1906, 489 § 4; 1907, 411; 1909, 117.) Limited. St. 1910, 258.

SECT. 2. New courts established: Boston juvenile, St. 1906, 489; 1907, 137, 411. (See 1907, 158, 195; 1908, 458; 1909, 181.) Fourth Bristol, 1903, 214. Southern Essex, St. 1911, 414 § 1, 473. Third Essex, 1906, 299 § 1. Eastern Hampshire, 1903, 412. Leominster, 1910, 207. Winchendon, 1904, 372 § 1. (See 1906, 240.) Western Worcester, 1902, 416 §§ 1, 2. Districts changed: Eastern Hampden, St. 1907, 110. Lynn, 1909, 117. First and fourth eastern Middlesex. St. 1909, 93. Newburyport, 1902, 455. Central Worcester, 1902, 186. First and second eastern Worcester, 1902, 161. First northern Worcester, 1907, 98.

SECT. 6 amended. St. 1909, 219; 1911, 473 § 1.

SECTS. 6, 10, 13. Act to authorize destruction or storage of certain old papers. St. 1910, 287.

SECTS. 9-12. Clerk for second Essex, St. 1906, 240. Central Middlesex, 1905, 133. Williamstown, 1906, 351. Winchendon, 1906, 248. Eastern Worcester, 1905, 192. Second southern Worcester, 1906, 194.

SECT. 11 amended. Assistant may be a woman. St. 1908, 289. See St. 1909, 357.

SECTS. 12, 13. Provision for assistant clerks *pro tempore*. St. 1906, 256.

SECT. 15. See St. 1908, 195, 469.

SECT. 24 *et seq.* See St. 1903, 209, 334 §§ 1-3; 1904, 282 § 3; 1906, 105 § 6, 282, 489 § 4; 1908, 335 § 3; 1909, 181; 1911, 175, 176 § 1, 461.

SECT. 25. See St. 1906, 413, 489; 1907, 137; 1908, 286.

SECT. 28 revised. St. 1909, 442.

SECT. 33. See St. 1911, 432 § 1.

SECT. 39 *et seq.* Sessions: Winchendon, St. 1904, 372 §§ 3, 4. Western Worcester, 1902, 416 § 4. (See 1904, 218.)

SECT. 44 amended. St. 1906, 166.

SECT. 48. See St. 1904, 453 § 5; 1910, 370.

SECT. 55. Provision for pensions. St. 1911, 231.

SECT. 56 revised. St. 1907, 179.

SECT. 58. Additional assistants. St. 1906, 468; 1908, 418. Clerical assistance. St. 1908, 440; 1909, 434.

SECT. 59. Jurisdiction in certain juvenile cases transferred to the Boston juvenile court. St. 1906, 489 § 4. (See 1906, 499 § 5; 1907, 137, 411; 1908, 286; 1911, 175.)

SECT. 61. See St. 1909, 271; 1910, 370, 373.

SECT. 62. Additional officers. St. 1905, 295; 1906, 192, 329; 1907, 223, 261; 1908, 190, 191.

SECT. 64 amended. St. 1909, 386. Officers attending sessions to wear uniforms. St. 1902, 368; 1906, 355 § 2. Messenger for municipal court of Boston. St. 1906, 192.

SECT. 65. See St. 1908, 195, 469.

SECT. 66 amended. St. 1908, 191.

SECT. 67 in part repealed. Salaries classified and established. St. 1904, 453 §§ 1, 4; 1905, 339; 1909, 357; 1910, 501; 1911, 414 § 2. (See 1902, 299, 320, 356, 360, 378, 416 § 3; 1903, 214 § 2, 412 § 2; 1904, 372 § 2; 1905, 133, 192; 1908, 637; 1911, 682.) Boston juvenile, St. 1906, 489 § 2. Charles-town, court officers. St. 1909, 367. Chelsea, 1906, 325. East Boston, 1907, 333. Second Essex, 1906, 240. Third Essex, 1906, 299 § 2. Franklin, eastern Franklin and eastern Hampshire, 1907, 128. (See 1904, 453 § 2.) Lawrence, 1908, 323. Lee, 1905, 443. Lowell, 1905, 165. Lynn, 1911, 414 § 2. South Boston, 1907, 324. Williamstown, 1906, 351. Winchendon, 1904, 372 § 2; 1906, 248 § 1. Municipal court of Boston, 1904, 454 § 1; 1905, 452; 1906, 192 § 1, 355, 449 § 1, 450, 468; 1908, 418; 1911, 231. (See 1902, 368.) Allowance for clerical assistance: First Barnstable, St. 1904, 331. Second Barnstable, 1906, 228. Brighton, 1909, 364. Second Bristol, copyist, 1908, 351. Brockton, 1906, 289. Boston, 1906, 449 § 2; 1908, 440. Boston juvenile, 1908, 458. Brookline, 1909, 365. Chelsea, 1904, 258. East Boston, 1911, 454. (See 1907, 323.) First Essex, 1906, 196. Eastern Essex, 1910, 253. Hampshire, 1910, 224. Lynn, 1909, 368.

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SECT. 68 repealed. St. 1904, 453 § 4. Provision for travelling expenses. St. 1904, 453 § 3.

SECT. 69. Compensation of special justices: Dukes county. St. 1902, 309. (See 1909, 504 §§ 29, 48.)

SECT. 70. Compensation of assistant clerks *pro tempore*. St. 1906, 256 § 1.

SECT. 71. See St. 1907, 204.

Chapter 161. — Of Justices of the Peace and Trial Justices.

SECT. 8. See St. 1908, 195, 469.

SECT. 14 amended. Error corrected. St. 1902, 544 § 24.

SECT. 30 *et seq.* See St. 1903, 209 § 1; 1910, 316.

Chapter 162. — Of Probate Courts.

SECT. 3. Jurisdiction extended. St. 1902, 371; 1903, 222, 248, 260; 1906, 129, 309; 1908, 75; 1910, 100, 411.

SECT. 4. Court may proceed by *habeas corpus* to determine question of care and custody of children in certain cases. St. 1902, 324.

SECT. 5. Certain proceedings of the probate courts confirmed. St. 1902, 538.

SECT. 19 amended. St. 1907, 266.

SECT. 38 amended. St. 1907, 129.

SECT. 47 amended. St. 1905, 229.

SECT. 56. See St. 1911, 136.

SECT. 60. Changes in sessions: Essex, St. 1908, 218. Hampden, 1905, 79; 1910, 262. Middlesex, 1907, 273. Worcester, 1908, 227.

Chapter 163. — Of Courts of Insolvency.

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SECT. 113. See St. 1910, 559 § 3.

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SECTS. 122, 123. Certain deposits may be paid to the State treasurer. St. 1908, 168.

SECT. 130. See St. 1911, 339.

SECT. 136. Sale of merchandise in bulk is restricted. St. 1903, 415.

Chapter 164. — Of Judges and Registers of Probate and Insolvency.

Act to provide for retirement of judges. St. 1910, 540. (See 1906, 474.)

Act to establish minimum salaries of judges and registers. St. 1911, 668.

SECTS. 1, 2. Two judges in Worcester. St. 1907, 442 §§ 1, 2. And Essex. St. 1908, 541 § 1. Special judges in Berkshire and Hampden. St. 1908, 110 § 1. And Franklin and Hampshire. St. 1909, 166. (See 1908, 110 § 2.)

SECT. 5 amended. St. 1904, 401 § 1; 1905, 92 § 1.

SECT. 7 amended. St. 1904, 401 § 2; 1906, 59 § 1. (See 1908, 110 § 2.)

SECT. 11. See St. 1908, 195, 469.

SECT. 12 *et seq.* See St. 1907, 563 § 14; 1908, 268; 1909, 271.

SECT. 15. See St. 1907, 225.

SECT. 16. See St. 1909, 271; 1910, 373.

SECT. 17 amended. St. 1904, 286 § 1; 1905, 323; 1907, 207 § 1, 442 § 3; 1908, 231; 1909, 248, 494; 1910, 266. Assistants may be women in certain counties. St. 1904, 286 § 1; 1907, 207 § 1, 442 § 3; 1908, 231; 1909, 248.

SECT. 20. See St. 1905, 323 § 1; 1908, 231 § 1.

SECT. 27 in part repealed. Salaries classified and established. St. 1904, 455 §§ 1, 3; 1907, 207 § 1, 442 §§ 4, 5; 1908, 541 § 3; 1911, 668. (See 1906, 59; 1908, 110 § 2.) Amendments: Bristol, 1911, 452. Suffolk, 1911, 445. Provision for future readjustment of salaries. St. 1904, 455 § 2. (See 1911, 668.) For retirement on pension. St. 1906, 474; 1910, 540. Assistant registers, Berkshire, St. 1906, 265 §§ 1, 3. (See 1904, 286 § 2.) Essex, St. 1910, 266. Middlesex, 1905, 323 § 1; 1909, 494; 1910, 503. Norfolk, see St. 1911, 710. Suffolk, 1908, 231; 1909, 238. Worcester, 1911, 73. (See 1909, 431.)

SECT. 28 amended. St. 1904, 286 § 3; 1908, 326, 328. (See 1909, 271.) Limited. St. 1907, 207 § 2. In part repealed. St. 1909, 331 § 2.

SECT. 29. Amount increased: Berkshire, St. 1904, 286 § 3; 1908, 328. Bristol, 1902, 412; 1908, 327. Essex, 1904, 281; 1908, 374. Franklin, 1909, 331 § 1. Hampden, 1910, 335. (See 1907, 206.) Hampshire, 1908, 326. Middlesex, 1904, 387; 1909, 353. Norfolk, 1905, 183. Plymouth, 1904, 219; 1908, 319. Suffolk, 1908, 396. (See 1909, 271.) Worcester, 1909, 384; 1910, 329.

SECT. 32. See St. 1904, 401 § 2; 1905, 92 § 1; 1906, 59 § 1.

SECT. 33 amended. St. 1906, 149. Allowance for uniform. St. 1904, 272.

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SECT. 35. Pay of messenger and uniform. St. 1906, 193.

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SECT. 2. See St. 1909, 271; 1910, 370, 373, 376.

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SECT. 12. See St. 1908, 195, 469.

SECT. 15 amended. St. 1907, 145 § 1.

SECT. 20 amended. St. 1910, 94.

SECT. 17 *et seq.* Clerks to make certain annual returns to secretary of the Commonwealth. St. 1905, 321.

SECT. 31 amended. St. 1908, 253. (See 1909, 271.)

SECTS. 31, 32. See St. 1910, 370.

SECT. 33 amended. St. 1909, 165.

SECT. 34 superseded. Salaries classified and established. St. 1904, 451 §§ 1, 2; 1911, 299. (See 1902, 462.) Changes. St. 1905, 179.

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SECT. 35 superseded. Salaries classified and established. St. 1904, 451 §§ 1, 3; 1907, 145 § 2, 253; 1909, 232. Hampden. St. 1911, 174. (See 1902, 358, 499, 513; 1903, 137, 472 § 3.) Middlesex. St. 1911, 382. Suffolk superior. St. 1902, 499; 1905, 380; 1906, 276 § 1. Bi-weekly payments. St. 1908, 259.

SECT. 38. Provision for expense of printing, and transportation of papers, etc., of the superior court. St. 1907, 80.

SECTS. 40, 41 revised. St. 1904, 355 §§ 1, 2. (See 1907, 443; 1909, 49.)

Act relative to collection agencies. St. 1910, 656.

SECT. 43 revised. St. 1904, 355 § 3.

SECT. 44 *et seq.* See St. 1904, 458 § 5; 1907, 443.

SECT. 48. See St. 1907, 490.

SECT. 52 amended. Eleven in Middlesex. St. 1904, 348. May act in any county. St. 1906, 187. (See 1905, 110; 1906, 180; 1909, 235.)

SECT. 60 amended. St. 1911, 237.

SECT. 63 amended. St. 1908, 358 § 1.

SECT. 67 superseded. St. 1909, 230. (See 1908, 358 § 2.)

SECT. 69 in part superseded. St. 1907, 133. Officers may serve venires and processes in certain cases. St. 1907, 312.

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SECT. 73 amended. St. 1911, 302; 322.

SECTS. 74, 77, 78. See St. 1911, 322.

SECT. 76 amended. St. 1906, 470 § 1; 1907, 459.

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Chapter 166. — Of Provisions relative to Courts and of Naturalization.

SECT. 1. See St. 1911, 339.

SECT. 5. See St. 1907, 204; 1910, 473; 1911, 136.

SECT. 14. See St. 1911, 68.

SECT. 18. See St. 1903, 442; 1906, 527.

SECT. 21 (new section) added, providing for evening sessions. St. 1905, 340.

Chapter 167. — Of the Commencement of Actions and the Service of Process.

Act to require certain non-residents to appoint agents upon whom service of legal process may be made. St. 1908, 528.

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SECT. 2. See St. 1906, 201, 269; 1911, 70.

SECT. 3. See St. 1909, 33.

SECT. 6. See 1904, 320; 1909, 514 § 145; 1910, 63 § 1.

SECT. 15. See St. 1905, 266.

SECT. 24. See St. 1907, 176, 204.

SECT. 25 amended. St. 1908, 338.

SECT. 27. See St. 1906, 201.

SECT. 28 amended as to trustee process. St. 1906, 201. (See 1906, 269; 1907, 332; 1911, 70.)

SECTS. 30-33 affected. St. 1909, 116.

SECTS. 34-37. See St. 1906, 269, 372; 1908, 528.

SECT. 36. Extended to certain foreign corporations. St. 1907, 332. (See 1908, 528.)

SECT. 38 *et seq.* Attachment of property of deceased persons is restricted. St. 1907, 553. (See 1911, 751 II § 21.)

SECT. 39 in part repealed. St. 1906, 463 I §§ 61, 68.

SECT. 56 amended. St. 1907, 546 § 2.

SECT. 62 amended. St. 1907, 370.

SECTS. 66-68 repealed. St. 1910, 531 § 1. (See 1910, 171 § 13; 214 §§ 24, 33.)

SECT. 69. See St. 1907, 490.

SECT. 80 amended. St. 1907, 453.

SECT. 110 amended. St. 1909, 190.

SECT. 111 *et seq.* Provisions against unauthorized dissolutions. St. 1907, 334.

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SECT. 117 amended. St. 1907, 393.

SECT. 118 amended. St. 1911, 150.

SECTS. 121, 122. See St. 1906, 187; 1907, 490 § 1; 1909, 237.

SECT. 122 amended. St. 1911, 150.

Chapter 168. — Of Arrest on Civil Process.

SECT. 1 amended. St. 1910, 480. (See 1901, 656.)

SECTS. 6, 7. Act to abolish demand on female judgment debtors. St. 1909, 119.

SECTS. 8, 9, 10 amended. St. 1911, 192 §§ 1, 2, 3. (See 1911, 192 § 5.)

SECTS. 10, 13, 21, 26. See St. 1910, 316.

SECT. 20 amended. St. 1906, 203 § 1.

SECT. 27 amended. St. 1911, 192 § 4. (See 1911, 192 § 5.)

SECT. 33. See St. 1909, 490 II § 29.

SECT. 41 amended. St. 1906, 203 § 2.

SECT. 73 amended. St. 1910, 84.

SECT. 75 amended. St. 1911, 150.

SECT. 78. See St. 1910, 370.

Chapter 169. — Of Bail.

SECT. 4 amended. St. 1911, 150.

Chapter 170. — Of Proceedings against Absent Defendants and upon Insufficient Service.

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Chapter 171. — Of the Survival of Actions and of the Death and Disabilities of Parties.

SECT. 2 amended. St. 1907, 375; 1911, 31.

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SECT. 37. See St. 1910, 370.

SECT. 38 superseded. St. 1909, 227. (See St. 1907, 582 §§ 1, 18.)

SECT. 39 *et seq.* See St. 1909, 183.

SECT. 48. See St. 1905, 266.

SECT. 52 amended. St. 1911, 275.

SECT. 55 revised. St. 1911, 305. (See 1905, 271; 1910, 538.)

SECT. 57 revised. St. 1909, 225.

SECT. 59 amended. St. 1909, 206.

SECT. 63 amended. St. 1911, 593.

SECT. 76 repealed. St. 1906, 342 § 1.

SECT. 79 amended. St. 1911, 497.

SECT. 81 amended. St. 1904, 448 § 9; 1905, 286.

SECT. 96 amended. St. 1906, 342 § 2; 1910, 555 § 4.

SECT. 97 amended. St. 1906, 451; 1910, 534 § 1. (See 1907, 176; 1911, 175.)

SECT. 98 amended. St. 1910, 534 § 2.

SECT. 99 amended. St. 1910, 534 § 3.

SECT. 105 amended. St. 1910, 555 § 5.

SECT. 106 amended. St. 1906, 342 § 3; 1911, 212.

SECTS. 106-111. Acts relative to exceptions in certain cases. St. 1906, 342 § 3; 1908, 177, 516. Provision for expediting final determination of causes in certain cases of exceptions to refusal of court of request to order a verdict upon all the evidence. St. 1909, 236.

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SECT. 116 amended. St. 1907, 546 § 1.

SECT. 123. See St. 1911, 147.

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SECT. 3. See St. 1908, 590 § 49.

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Chapter 175. — Of Witnesses and Evidence.

SECT. 8 amended. St. 1907, 328. (See 1906, 291 § 18.)

SECT. 10 *et seq.* See St. 1904, 343 § 2; 1908, 604 § 72.

SECTS. 27-30. See St. 1909, 237.

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Chapter 176. — Of Juries.

Act relative to juries and jury service. St. 1907, 348. (See 1909, 504 § 79.)

SECT. 3 amended. St. 1904, 307 § 1; 1906, 257.

SECT. 4 amended. St. 1907, 348 §§ 1-4.

SECT. 5 revised. St. 1907, 348 § 5.

SECT. 6 amended. St. 1907, 348 § 6.

SECT. 7 amended. St. 1907, 348 § 7.

SECT. 8 amended. St. 1907, 348 § 8.

SECT. 11. See St. 1907, 312.

SECT. 36 *et seq.* Additional penalties. St. 1907, 348 §§ 2, 3.

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SECT. 2. See St. 1907, 204.

SECT. 8. See St. 1902, 521 § 1. (17.)

SECTS. 46-51 repealed. St. 1910, 531 § 1. (See 1909, 490 II § 24.)

Chapter 179. — Of the Writ of Entry.

Jurisdiction of writs of entry transferred to the land court. St. 1904, 448 § 1.

SECT. 7. See St. 1905, 266.

Chapter 181. — Of the Summary Process for the Possession of Land.

SECT. 4. See St. 1907, 490.

Chapter 182. — Of Proceedings for the Settlement of Title to Land.

SECTS. 1-5, 11-14, 15. Jurisdiction transferred to the land court. St. 1904, 448 § 1; 1905, 249 § 4. (See 1905, 288; 1906, 50, 344; 1909, 160.)

Chapter 183. — Of the Determination of Boundaries of Flats.

SECT. 1 amended. St. 1906, 50 § 1.

SECT. 2. See St. 1906, 50 § 2.

SECT. 15. See St. 1907, 294.

Chapter 184. — Of the Partition of Land.

SECT. 33 amended. Errors corrected. St. 1902, 544 § 26.

SECT. 47 amended. St. 1907, 361.

Chapter 185. — Of Waste and Trespass.

SECT. 9. See St. 1911, 339.

Chapter 187. — Of the Foreclosure and Redemption of Mortgages.

Acts relative to the discharge of mortgages. St. 1907, 294; 1908, 149; 1909, 160, 198.

SECT. 31. Jurisdiction extended. St. 1910, 100.

SECT. 14 amended. St. 1906, 219 § 1. (See 1909, 198.)

SECT. 15 amended. St. 1906, 219 § 2. (See 1909, 160.)

SECT. 37. See St. 1907, 294.

Chapter 189. — Of the Trustee Process.

SECT. 1 extended. St. 1906, 269; 1911, 70.

SECT. 6. See St. 1906, 201.

SECT. 19. See St. 1905, 324; 1910, 214 §§ 24, 33, 559 § 3.

SECT. 27. See St. 1910, 559 § 3.

SECT. 34 superseded, 1909, 514 §§ 125, 145; 1910, 563; 1911, 727 § 22. (See 1905, 308; 1906, 390; 1908, 605 §§ 7, 8; 1909, 278, 317; 1911, 751 II § 21.)

SECT. 65. See St. 1905, 110; 1906, 187; 1909, 235; 1911, 150.

Chapter 190. — Of the Replevin of Property.

SECT. 17 amended. St. 1911, 150.

Chapter 191. — Of Habeas Corpus.

Provision for issue of writ of *habeas corpus* in cases of divorce, nullity of marriage, separate support or maintenance, or any proceeding in which the care and custody of children is in question. St. 1902, 324.

SECT. 48. See St. 1908, 286.

Chapter 192. — Of Audita Querela, Certiorari, Mandamus and Quo Warranto.

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SECT. 4 amended. St. 1902, 544 § 27.

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SECT. 30. See St. 1905, 266.

Chapter 197. — Of Liens on Buildings and Land.

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Chapter 198. — Of Mortgages, Conditional Sales and Pledges of, and Liens upon, Personal Property.

Provisions for dissolution of certain liens. St. 1907, 490.

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SECTS. 23-26. See St. 1907, 490.

SECT. 28. See St. 1904, 242.

Chapter 199. — Of Recognizances for Debts.

SECT. 10. See St. 1911, 150.

Chapter 201. — Of Claims against the Commonwealth.

SECT. 1 amended. St. 1905, 370 § 1. (See 1907, 340 § 2; 1908, 590 § 57.)

SECT. 2 revised. St. 1910, 645. (See 1905, 370 § 2; 1908, 288; 1909, 204 § 1; 1910, 555 § 3.)

Chapter 202. — Of the Limitation of Actions.

SECT. 4. Actions of tort for personal injuries against counties, cities and towns added. St. 1902, 406. (See 1905, 266; 1911, 147.)

Chapter 203. — Of Costs in Civil Actions.

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SECT. 24. See St. 1908, 177.

SECT. 26 amended. St. 1904, 413 § 1.

Chapter 204. — Of the Fees of Certain Officers.

SECT. 2 amended. St. 1904, 350 § 1; 1909, 186.

SECT. 2 *et seq.* Fees to be paid into county treasury. St. 1904, 453 § 5.

SECT. 6 amended. City of Boston, as a party in civil actions, to pay no fees or expenses of suits to clerks of courts of Suffolk. St. 1902, 253.

Fee for rule to auditor, etc., and for *alias* execution stricken out. St. 1904, 350 § 2.

SECT. 10. Fee for taking bail fixed. St. 1907, 327. (See 1909, 490 II § 13; 1910, 248.)

SECT. 12. As to Dukes county, see St. 1905, 336 § 1.

SECT. 14 amended. St. 1910, 317.

SECT. 17 amended relative to payment of jurors. St. 1903, 256 § 1; 1908, 353.

SECTS. 21, 39, 44. See St. 1907, 158.

SECT. 25 amended. St. 1908, 121; 1911, 736 § 5.

SECT. 29 amended. St. 1908, 365; 1910, 273. (See 1907, 294; 1908, 372 § 2; 1909, 160.)

SECT. 43. See St. 1910, 248.

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Sheriff of any county except Suffolk may remove prisoners to and from jail and house of correction. St. 1909, 312.

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SECT. 4. Male and female prisoners not to be placed in the same dock at same time in certain cases. St. 1904, 218 § 1.

Chapter 206. — Of Crimes against the Sovereignty of the Commonwealth.

Act to protect the dignity and honor of the uniform of the United States. St. 1911, 460.

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Chapter 207. — Of Crimes against the Person.

Speed and operation of automobiles and motor vehicles on highways regulated. St. 1903, 473 §§ 3, 4-11; 1907, 203, 408, 580; 1908, 648; 1909, 534. (See 1902, 315; 1905, 311, 366; 1906, 353, 412; 1908, 263, 467, 642; 1910, 516.)

Sale of wood alcohol regulated. St. 1905, 220.

Unreasonable neglect to support wife and minor children made punishable. St. 1906, 501; 1908, 104; 1909, 180.

SECT. 28. See St. 1906, 386 §§ 2-4.

Chapter 208. — Of Crimes against Property.

Act to regulate sale and lease of machinery, tools, implements and appliances. St. 1907, 469.

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Stealing tools of mechanics, etc., is made punishable. St. 1907, 500 § 1.

Fraudulent conversion of property by captains of vessels. St. 1907, 389.

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Wilful printed misrepresentations as to merchandise. St. 1902, 397; 1907, 383. (See 1910, 378.)

As to sale or distribution of trading stamps or similar devices, see St. 1903, 386; 1904, 403; 1906, 523.

Sale of merchandise in bulk is restricted. St. 1903, 415.

Penalty for giving false or insufficient weight or measure. St. 1907, 394, 1911, 163.

Wanton destruction or injury of personal property by means not mentioned in this chapter is punishable. St. 1904, 305.

The corrupt influencing of agents, employees or servants is punishable. St. 1904, 343 § 1.

SECT. 7. See St. 1908, 209 § 1.

SECT. 17 amended. St. 1911, 84.

SECTS. 18, 19 affected. St. 1911, 176 § 2. (See 1911, 461.)

SECT. 25 *et seq.* False pretences to constitute larceny in certain cases. St. 1910, 378.

SECT. 26 amended. St. 1906, 261 § 1.

SECTS. 26, 27. See St. 1902, 397; 1907, 383, 389.

SECT. 30 amended. St. 1910, 389. Repealed. St. 1911, 126.

SECT. 37 amended. St. 1906, 181.

- SECT. 40 repealed. St. 1902, 544 § 28.
 SECT. 44 amended. St. 1911, 216.
 SECT. 51. See St. 1903, 415 § 1.
 SECT. 55 amended. St. 1910, 516.
 SECT. 60. Provision to prohibit unauthorized use of certain registered insignia, badges, etc. St. 1909, 514 § 32. (See 1902, 430; 1903, 275; 1904, 335; 1907, 232 § 3; 1908, 417 § 2.) And society titles, etc. St. 1908, 280.
 SECT. 61 amended. St. 1902, 544 § 29. (See 1902, 397.)
 SECT. 65. Act to prohibit false marking of articles made of gold or metal resembling gold. St. 1907, 460. False statements to stock exchanges as to mining stocks. St. 1911, 492.
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 SECT. 91. See St. 1911, 173.
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 SECT. 100 amended. "Or wantonly" added. St. 1902, 544 § 30. (See 1905, 279 § 3.)
 SECTS. 101, 102 amended. "Wantonly" substituted for "wilfully and maliciously." St. 1902, 544 §§ 31, 32. (See 1905, 279 § 3.)
 SECT. 103 repealed. St. 1908, 296 § 5.
 SECT. 104 amended. St. 1905, 279 § 2. (See 1908, 296 § 2; 1910, 321.)
 SECT. 106 amended. St. 1902, 544 § 33.
 SECT. 108. See St. 1902, 57; 1905, 381; 1906, 268; 1909, 263.
 SECTS. 109, 113. See St. 1906, 327.
 SECT. 112 amended. St. 1905, 434; 1911, 194. (See 1905, 400.)
 SECT. 115 extended. St. 1903, 158.
 SECTS. 117, 118. See act to prohibit misuse of vessels used in sale of milk. St. 1906, 116.
 SECT. 120 revised. St. 1905, 241.
 SECT. 124. See St. 1908, 209 § 1.

Chapter 209. — Of Forgery and Crimes against the Currency.

- SECT. 1 amended. St. 1909, 155 § 1.
 SECT. 3 amended. St. 1909, 155 § 2.

Chapter 210. — Of Crimes against Public Justice.

- Act to prohibit soliciting employment by attorneys at law. St. 1907, 443. (See 1909, 49; 1911, 85.)
 SECTS. 14, 19. Act to prohibit conveying drugs or other articles to prisoners. St. 1905, 258.
 SECT. 17. See St. 1907, 362.
 SECT. 22 amended. St. 1909, 255.

Chapter 211. — Of Crimes against the Public Peace.

SECT. 9. The carrying of a loaded pistol without a license, and of certain other weapons, made punishable. St. 1906, 172 § 2; 1908, 350, 583; 1911, 548 § 3. (See 1911, 283.)

And sale of certain pistols and explosives. St. 1910, 565. And sale or rent of firearms. St. 1911, 495.

SECT. 11 repealed. St. 1911, 244 § 4. (See 1908, 209; 1911, 244 § 1.)

SECT. 13 (new) added. St. 1911, 283. And repealed. St. 1911, 548 § 4.

Chapter 212. — Of Crimes against Chastity, Morality, Decency and Good Order.

Act relative to offences against chastity. St. 1910, 424.

Act relative to admission of persons under seventeen to dance halls and roller skating rinks. St. 1906, 384.

Uniform desertion act. St. 1911, 456.

An act to require the use of underwater exhausts or mufflers on certain motor boats. St. 1909, 245. Power boats must show lights at night in certain waters. St. 1910, 397.

Act to protect the dignity and honor of the uniform of the United States. St. 1911, 460.

Advertising to perform or procure performance of marriage ceremony is punishable. St. 1902, 249. Failure to support wife or minor child. St. 1903, 334; 1904, 356; 1906, 501; 1908, 104; 1909, 180; 1911, 456. False or fraudulent advertisements for labor or help. St. 1908, 217; 1909, 514 § 27. (See 1910, 445.)

Act relative to the receiving of alms in public places in the city of Boston. St. 1909, 538.

SECT. 2 amended. St. 1910, 424 § 1.

SECT. 6 amended. St. 1910, 424 § 2.

SECT. 8 amended. St. 1910, 424 § 3.

SECT. 9 amended. St. 1910, 424 § 4.

Receiving the earnings of prostitution and soliciting for a prostitute made punishable, and arrest without a warrant authorized in certain cases. St. 1910, 424 §§ 5-8.

SECT. 16 amended. St. 1905, 316.

SECT. 20 amended. St. 1904, 120. (See 1908, 386.)

SECT. 23 revised. St. 1910, 367.

SECT. 37 revised. St. 1905, 384 § 1. (See 1905, 384 § 2.)

SECT. 39. See St. 1910, 316, 356.

SECT. 40. See St. 1908, 440.

SECT. 41. See St. 1906, 291 § 10.

SECT. 45 amended. St. 1905, 307 § 1; 1906, 501; 1908, 104; 1909, 180; 1911, 456. (See 1905, 338; 1906, 129 § 1; 1907, 563 § 26.)

SECT. 46 in part superseded. St. 1903, 209. (See 1906, 282; 1907, 251; 1909, 538 § 2; 1910, 316, 356.)

SECT. 47. See St. 1910, 424 § 8.

SECT. 53 amended. St. 1906, 403 § 1. (See 1907, 494.) Extended, St. 1910, 436. (See 1910, 424 § 8.)

SECTS. 54, 55. See St. 1910, 316.

SECTS. 56, 57. See St. 1904, 274, 318; 1905, 344, 348; 1908, 568.

SECT. 58. See St. 1908, 568; 1909, 302.

SECTS. 58, 59, 60. See St. 1910, 248, 316.

SECT. 70 *et seq.* See acts relative to disabled or diseased horses. St. 1906, 185; 1907, 363; 1908, 133. See also, St. 1909, 302.

SECT. 73. See St. 1907, 490.

SECT. 89. See St. 1908, 335.

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Chapter 214. — Of Crimes against Public Policy.

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To restrict picking wild berries or flowers or picnicking during certain months in Barnstable or Plymouth county. St. 1910, 478.

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Act to require use of underwater exhausts or mufflers on certain motor boats. St. 1909, 245. Power boats must show lights at night in certain waters. St. 1910, 397.

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Acts relative to use of moving picture machines and cinematographs. St. 1905, 176, 437; 1908, 565, 566.

Carrying a loaded pistol without a license or other weapon is punishable. St. 1906, 172 § 2; 1908, 350, 583; 1911, 548. And sale of certain pistols and explosives. St. 1910, 565. Sale or renting of firearms. St. 1911, 495.

Unsigned political advertisements and contributions in certain cases. St. 1907, 581; 1908, 483; 1910, 55; 1911, 422. Advertisements describing certain diseases. St. 1908, 386. Publishing false or exaggerated state-

ments of affairs of corporations, partnerships, etc. St. 1911, 428. As to mining stocks. St. 1911, 492.

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Act relative to the receiving of alms in public places in the city of Boston. St. 1909, 538.

Act relative to lease and sale of machinery, tools, implements and appliances. St. 1907, 469.

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As to sale or distribution of trading stamps or similar devices, see St. 1903, 386; 1904, 403; 1906, 523.

Act to prohibit bucketing and to abolish bucket shops. St. 1907, 414.

Corrupt influencing of agents, employees or servants is punishable. St. 1904, 343. (See 1911, 151.) Act relative to sale of paint, turpentine and linseed oil. St. 1908, 531.

Act to prohibit soliciting employment by attorneys at law. St. 1907, 443. (See 1911, 85.)

SECT. 2 amended. St. 1907, 366.

SECT. 29 extended. St. 1902, 397; 1903, 386.

Chapter 215. — Of Felonies, Accessories and Attempts to commit Crimes.

SECT. 6, cl. 4 repealed. St. 1911, 130.

Chapter 216. — Of Proceedings to prevent the Commission of Crimes.

SECT. 15. The carrying of a loaded pistol without a license, and of certain other weapons, made punishable. St. 1906, 172 § 2; 1908, 350, 583; 1911, 548. (See 1910, 565.)

Chapter 217. — Of Search Warrants, Rewards, Fugitives from Justice, Arrest, Examination, Commitment, Bail and Probation.

SECT. 1. See St. 1904, 367 § 2; 1905, 347 § 1.

SECTS. 3-8. See St. 1905, 347 § 1.

SECT. 7 amended. St. 1908, 370.

SECT. 11 *et seq.* Provision for identification of fugitives from justice. St. 1906, 293. (See 1905, 459; 1909, 504 §§ 50, 51.)

SECT. 25. See St. 1909, 504 § 50.

SECTS. 29, 30. See St. 1906, 489 § 7.

SECT. 34. See St. 1906, 413 § 5; 1908, 286.

SECT. 35 amended. St. 1904, 164. (See 1903, 236.)

SECT. 44. See St. 1907, 176.

SECTS. 44-48. See St. 1911, 160.

SECT. 52. Male and female defendants not to be placed in same dock in certain cases. St. 1904, 218 § 1.

SECT. 56. See St. 1905, 110; 1906, 180, 187.

SECTS. 56-60. See act relative to applications for bail to masters in chancery. St. 1909, 235.

SECT. 62 revised. St. 1906, 180. (See 1906, 187.)

SECT. 64. See St. 1907, 176.

SECT. 65. See St. 1906, 413 § 5.

SECT. 70. See St. 1910, 370.

SECT. 77 amended. St. 1906, 221; 1911, 160. (See St. 1910, 370.)

SECT. 79 amended. St. 1903, 236 § 1.

SECT. 81 amended. Additional probation officers. St. 1905, 295; 1906, 329; 1907, 261; 1908, 190, 637; 1909, 216; 1910, 332; 1911, 116, 470.

SECT. 81 *et seq.* See St. 1906, 489 § 6; 1907, 223; 1908, 637, 465; 1910, 275.

SECT. 82 amended. St. 1910, 275.

SECTS. 82, 83 affected. St. 1908, 637.

SECTS. 83, 86. See St. 1906, 291 § 10.

SECT. 84 amended. St. 1911, 8. (See 1908, 440.)

SECT. 84 *et seq.* Provision for restitution or reparation in certain cases. St. 1907, 335. (See 1905, 307, 338; 1906, 413 §§ 5-9.)

SECTS. 85-90 repealed. St. 1908, 465 § 6. Provision for a commission on probation, and certain duties of probation officers. St. 1908, 465. (See 1902, 196; 1908, 637; 1909, 216, 514 § 26; 1911, 8.)

SECT. 91 amended. St. 1910, 485.

SECT. 92 amended. St. 1910, 479.

SECT. 94 amended. St. 1906, 440.

Chapter 218. — Of Indictments and Proceedings before Trial.

Act to authorize compensation in certain cases to persons confined while awaiting trial. St. 1911, 577.

SECT. 15. See St. 1906, 413 § 11.

SECT. 38. Act to provide that false pretences shall constitute larceny in certain cases. St. 1910, 378.

SECT. 58. See St. 1907, 158.

SECT. 67. See St. 1906, 501.

Chapter 219. — Of Trials and Proceedings before Judgment.

Male and female prisoners not to be placed in same dock in certain cases. St. 1904, 218 § 1.

SECT. 7 amended. St. 1909, 49.

SECTS. 11, 12 repeal and substitute. St. 1909, 504 §§ 103-107; 1910, 345. (See 1904, 257; 1909, 274; 1911, 273.)

SECT. 14. See St. 1911, 176 § 2, 461.

SECT. 16 repeal and substitute. St. 1909, 504 §§ 104, 107. (See 1911, 595.)

SECT. 22 amended. St. 1905, 319. (See 1906, 413 § 5; 1909, 504 § 51; 1911, 176 § 2.)

SECTS. 27, 28. See St. 1910, 316.

SECT. 28 revised. St. 1909, 381; 1910, 244.

Chapter 220. — Of Judgment and Execution.

Provision for compensation in certain cases to persons confined while awaiting trial. St. 1911, 577.

SECT. 1 revised. St. 1905, 338 § 1. (See 1905, 307; 1906, 413 § 5, 501 § 3; 1907, 335; 1908, 104; 1911, 456.)

SECT. 1 *et seq.* See St. 1910, 316.

SECTS. 3-7 affected. St. 1911, 176 § 2.

SECT. 4 amended. Unless otherwise provided, a person convicted of a misdemeanor, punishable by imprisonment, may be sentenced to jail or house of correction. St. 1902, 544 § 34.

SECTS. 5, 14. See St. 1909, 312.

SECT. 7 amended. St. 1911, 179.

SECTS. 15, 16. Sentences to reformatory prison for women regulated. St. 1903, 209 §§ 1-3; 1906, 282; 1907, 251; 1910, 347. (See 1910, 316; 1911, 595.)

SECT. 16 amended. St. 1904, 224.

SECT. 18. See St. 1906, 413 § 8; 1911, 176 § 2, 265.

SECT. 20. See St. 1906, 261 § 2; 1910, 356.

SECT. 21 amended as to term of imprisonment. St. 1904, 303. (See 1910, 316.)

SECT. 27 amended. St. 1908, 232. (See 1910, 316, 356.)

SECT. 29 revised. St. 1907, 252; 1910, 356.

SECTS. 30, 31. See St. 1910, 316, 356; 1911, 176 § 2.

SECTS. 40, 44. See St. 1911, 274.

Chapter 221. — Of Fines and Forfeitures.

SECT. 2 amended. St. 1911, 250 § 1. Limited. St. 1911, 250 § 1. (See 1909, 534 § 30; 1910, 525.)

Chapter 222. — Of the Board of Prison Commissioners.

Provision for retiring and pensioning prison officers. St. 1908, 601; 1911, 673.

Provision for hospital for prisoners having tubercular disease. St. 1905, 355; 1906, 243. For identifying certain persons held in prison. St. 1904, 241; 1905, 459; 1906, 293; 1910, 360. For storage facilities. St. 1911, 195.

SECT. 1 amended. St. 1908, 230.

SECT. 3. See St. 1902, 196; 1903, 209 §§ 4, 5, 212, 452; 1905, 355, 459 § 2; 1906, 243, 293, 302; 1908, 230, 601; 1909, 514 § 26; 1910, 360, 454; 1911, 195, 451, 595.

SECT. 6. See St. 1905, 311 § 6.

SECT. 7. See St. 1906, 291 § 10.

SECT. 9. See St. 1905, 211 § 1.

Chapter 223. — Of the State Prison, the Massachusetts Reformatory and the Reformatory Prison for Women.

SECT. 3. Provision for retiring and pensioning prison officers. St. 1908, 601; 1911, 673. For release of certain prisoners on parole. St. 1911, 451. Hours of labor. St. 1909, 514 §§ 53–55. (See 1908, 547.) Assistant deputies. St. 1910, 454. Removal of insane prisoners. St. 1909, 504 § 105; 1911, 604. (See 1910, 345; 1911, 273.)

SECT. 6 affected. St. 1908, 195. Certain advances authorized. St. 1908, 178. (See 1907, 466; 1909, 218.)

SECTS. 8, 10. See St. 1908, 469.

SECT. 14. See St. 1905, 355; 1906, 243, 302.

SECT. 17 amended. St. 1906, 242 § 1.

SECT. 19. Salary changed: Deputy warden. St. 1911, 467. Physician and surgeon. St. 1908, 426. Watchmen. St. 1910, 430; 1911, 542. (See 1902, 454.)

SECT. 20. See St. 1910, 356.

Act providing for departments for defective delinquents. St. 1911, 595.

SECT. 21. Assistant deputy. St. 1910, 454.

SECTS. 23, 25. See St. 1908, 469, 601.

SECT. 24. See St. 1907, 466; 1908, 195; 1910, 356.

SECT. 27 amended. St. 1910, 430; 1911, 542.

SECT. 28. Sentences regulated. St. 1903, 209; 1906, 282; 1907, 251; 1910, 347. Name changed. St. 1911, 181. (See 1904, 224; 1906, 282; 1910, 316, 345; 1911, 295.)

SECT. 29. See St. 1906, 302. Assistant deputy. St. 1910, 454.

SECT. 31. See St. 1908, 469.

SECT. 34. See St. 1907, 466; 1908, 195.

SECT. 37 repealed. St. 1904, 205 § 1.

SECT. 39. Clerk's salary changed. St. 1909, 303.

Chapter 224. — Of Jails and Houses of Correction.

Provision for inspection of jails, prisons, etc. St. 1910, 405; 1911, 282.

For compensation in certain cases to persons confined while awaiting trial. St. 1911, 577.

SECT. 5. Sheriff of any county except Suffolk may transfer prisoners from jail to house of correction, or *vice versa*. St. 1909, 312.

SECT. 11. See St. 1895, 449 § 14; 1896, 521, 536; 1897, 395.

SECT. 16 *et seq.* See St. 1908, 601; 1909, 312; 1911, 673.

SECT. 18. See St. 1905, 231; 1908, 547; 1909, 514 § 53.

SECT. 20 superseded. St. 1909, 514 §§ 55, 145.

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SECTS. 34–37 repealed. St. 1904, 211.

Chapter 225. — Of the Officers and Inmates of Penal and Reformatory Institutions, and of Pardons.

Provision for compensation in certain cases to persons confined while awaiting trial. St. 1911, 577.

Provision for retiring and pensioning prison officers. St. 1908, 601; 1911, 673.

SECT. 1. See St. 1910, 454.

SECT. 6. See St. 1910, 316.

SECTS. 7, 8, 9. See St. 1907, 466; 1908, 195.

SECT. 9. See St. 1905, 211 § 1.

SECTS. 9–11. See St. 1911, 181.

SECT. 10 amended. St. 1904, 214.

SECT. 11 *et seq.* Hours of labor and number of employees. St. 1909, 514 §§ 53–55. (See 1905, 231; 1908, 547.)

Act relative to making goods for use of public institutions by labor of prisoners. St. 1910, 414.

SECT. 18 revised and extended. St. 1904, 241 § 1; 1905, 459 § 1; 1906, 293; 1910, 360.

SECTS. 20, 21. See St. 1906, 293; 1911, 181.

SECT. 28 amended. St. 1903, 207 § 1.

SECT. 29 revised. St. 1905, 244.

SECT. 37 repealed. St. 1911, 193.

SECT. 41. See St. 1909, 312.

SECTS. 43–46. Provision for storage facilities. St. 1911, 195.

SECT. 45 affected. St. 1910, 414. (See Res. 1911, 143.)

SECT. 51 amended. St. 1903, 213 § 1.

SECT. 54. See St. 1910, 414 § 2.

SECT. 55 repealed and superseded. St. 1910, 414.

SECT. 57. See St. 1911, 195.

SECT. 65. See St. 1906, 243; 1908, 469; 1911, 194.

SECT. 66 repealed and new provisions made. St. 1904, 243. (See 1905, 258; 1911, 194.)

SECT. 67. See St. 1908, 195.

SECT. 72 amended. St. 1904, 363 § 1.

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SECT. 80 *et seq.* See St. 1905, 355; 1906, 243, 302. Board may delegate to the chairman authority to remove and transfer prisoners. St. 1908, 230. (See 1909, 312.)

SECT. 86. See St. 1906, 282; 1907, 251; 1910, 347.

SECT. 89 extended. St. 1909, 312.

SECT. 96 amended. St. 1905, 240.

SECT. 100. See St. 1905, 355 §§ 2, 3; 1906, 243, 302; 1911, 273.

SECTS. 101–103 repeal and substitute. St. 1909, 504 §§ 105, 106; 1910, 345. (See 1906, 472 § 1; 1909, 274; 1911, 273.)

SECTS. 107–111. See act relative to expense of removing prisoners. St. 1906, 324.

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SECT. 117 amended. St. 1906, 244.

SECT. 115. Act relative to release of certain prisoners, on parole. St. 1911, 451.

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SECT. 120 amended. St. 1909, 132 § 2.

SECT. 121 amended. St. 1902, 227. (See 1902, 196; 1911, 8.)

SECT. 128 amended. St. 1908, 251.

SECT. 129 revised. St. 1903, 452 § 1. (See 1903, 209 § 5; 1910, 347.)

SECT. 131. See St. 1906, 243 § 2.

SECT. 136 amended. St. 1903, 212 § 1; 1909, 295. (See 1909, 514 § 26.)

SECT. 137 amended. St. 1905, 235; 1909, 295.

II

CHANGES IN THE GENERAL LAWS

PASSED SINCE THE ENACTMENT OF THE "REVISED LAWS "

Statutes of 1902.

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- 85 See 1905, 122. R. L. 92.
- 90 Repealed, 1907, 560 § 456. (See 1903, 279 §§ 5, 16.) R. L. 11.
- 91 Superseded, 1909, 490 I § 83. R. L. 12.
- 106 Superseded, 1907, 576 §§ 15, 122. R. L. 118.
- 108 Repealed, 1906, 171 § 3. (See 1903, 253.) R. L. 32.
- 109 Limited, 1907, 311. R. L. 25.
- 111 See 1909, 490 I § 49. R. L. 12.
- 112 Superseded, 1909, 490 I § 17. R. L. 12.
- 113 Superseded, 1909, 490 I § 15. (See 1911, 75.) R. L. 12.
- 114 See 1902, 534. R. L. 112.
- 115 Amended, 1911, 397. R. L. 62.
- 116 § 3 amended, 1911, 297 § 6. (See 1905, 211 § 1; 1909, 474; 1911, 381 § 1.) R. L. 75, 89, 90.
- 127 § 1 amended, 1907, 250 § 2. R. L. 92.
- 137 Amended, 1906, 314 § 2. (See 1903, 205.) R. L. 91.
- 138 See 1902, 178; 1904, 367 § 1; 1906, 179 § 2; 1907, 198, 299; 1908, 195, 255, 469. R. L. 56, 91.
- 142 §§ 2, 3 repealed, 1904, 433 § 3. (See 1903, 365 § 1; 1904, 370 §§ 1, 3; 1910, 328.) R. L. 32, 108.
- 154 § 1 superseded, 1905, 245. (See 1910, 545 § 3.) R. L. 92.
- 157 Repeal and substitute, 1907, 560 §§ 200, 456. (See 1903, 454 § 9; 1905, 386 § 6.) R. L. 11.
- 158 Superseded, 1905, 465 §§ 87, 194. (See 1908, 604.) R. L. 16.
- 165 Superseded, 1905, 406; 1906, 303. (See 1904, 366 § 3; 1909, 262.) R. L. 92.
- 169 Superseded, 1908, 590 §§ 19, 20, 29, 37, 69. R. L. 113.

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| 189 | § 1 amended, 1909, 258. (See 1907, 238.) R. L. 75. |
| 190 | § 2 superseded, 1902, 544 §§ 10, 35. R. L. 75. |
| 192 | Affected, 1904, 381; 1907, 43; 1909, 468. § 4 superseded, 1909, 468 § 1. (See 1903, 420 § 1; 1904, 381 § 1; 1908, 405.) R. L. 79. |
| 196 | See 1908, 465 § 3. R. L. 217. |
| 206 | § 1 amended, 1906, 365 § 4. § 2 superseded, 1906, 365 § 2. (See 1907, 183.) R. L. 75. |
| 211 | Repealed, 1903, 279 § 18. R. L. 11. |
| 213 | § 1 amended, 1907, 386 § 1; 1909, 380. § 2 amended, 1907, 386 § 2. (See 1904, 395 § 2; 1907, 183.) R. L. 75. |
| 216 | See 1904, 381 § 1; 1909, 468. R. L. 79. |
| 225 | Superseded, 1907, 560 §§ 93, 456. (See 1902, 492.) R. L. 11. |
| 226 | Amended, 1904, 127. (See 1904, 283.) R. L. 20, 102. |
| 228 | §§ 3, 4 superseded, 1909, 483 §§ 5, 6. § 5 superseded, 1909, 318, 483 § 7. § 6 superseded, 1909, 483 § 8. (See 1907, 54 § 2; 1908, 536 § 2.) R. L. 58, 121. |
| 230 | See 1905, 275. R. L. 9. |
| 246 | Affected, 1903, 280. R. L. 47. |
| 250 | Superseded, 1909, 468 §§ 3, 17. (See 1902, 292; 1904, 381 §§ 17, 18.) R. L. 79. |
| 251 | Superseded, 1904, 381 § 3; 1909, 468 § 3. R. L. 79. |
| 288 | Superseded, 1906, 463 III §§ 38, 158. R. L. 112. |
| 292 | Superseded, 1904, 381 § 17; 1909, 468 § 17. R. L. 79. |
| 298 | Superseded, 1906, 463 I §§ 30, 31, 37, 68. (See 1902, 440; 1905, 408.) R. L. 111. |
| 299 | Superseded, 1904, 453 §§ 1, 6. R. L. 160. |
| 312 | § 1, see 1903, 220 § 1, 1909, 471, 476; 1911, 297 § 5. § 2 amended, 1903, 220 § 2; 1908, 329 § 6. R. L. 75, 90. |
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| 314 | Amended, 1906, 413 § 3. R. L. 86. |
| 315 | Repealed, 1903, 473 § 15. (See 1905, 311; 1906, 353; 1909, 534 §§ 14-16.) R. L. 47, 52, 102. |
| 320 | Superseded, 1904, 453 §§ 1, 6. R. L. 160. |
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| 324 | See 1902, 474; 1904, 163; 1907, 390. R. L. 145, 151, 152. |
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| 327 | Amended, 1908, 525 § 3; 1910, 172. (See 1906, 281 § 1; 1907, 140, 190, 308; 1908, 238, 307.) R. L. 76. |
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| 340 | Repealed, 1907, 576 § 122. R. L. 118. |

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- 346 Superseded, 1907, 560 §§ 359, 456. R. L. 11.
- 348 Superseded, 1907, 560 §§ 60, 456. (See 1902, 512.) R. L. 11.
- 349 See 1906, 372; 1909, 490 II § 21, III § 58. R. L. 126.
- 350 Superseded, 1909, 514 § 74. (See 1911, 455.) R. L. 106.
- 355 § 2 revised, 1908, 520 § 4; 1909, 491 § 2; 1911, 148. (See 1906, 204 § 4; 1908, 590 §§ 2, 15.) R. L. 113, 116.
- 356 Superseded, 1904, 453 §§ 1, 6. R. L. 160.
- 358 Superseded, 1904, 451 § 3. R. L. 165.
- 360 Superseded, 1904, 453 § 1. R. L. 160.
- 364 Amended, 1908, 496, 508, 561; 1910, 66. R. L. 5.
- 368 § 1 amended, 1906, 355 § 2. R. L. 160.
- 370 Superseded, 1906, 463 III §§ 103, 158. (See 1902, 441; 1903, 437 §§ 14-16, 27.) R. L. 112.
- 374 Amended, 1909, 440 § 2. (See 1909, 490 I §§ 4, 7.) R. L. 12.
- 375 See 1909, 490 I §§ 7-9, 12. R. L. 12.
- 378 Superseded, 1904, 453 § 1. R. L. 160.
- 383 § 1 superseded, 1903, 472 § 2; 1907, 286. R. L. 157.
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- 396 Repealed, 1906, 463 III § 158. R. L. 112.
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- 399 Repealed, 1906, 463 III §§ 7, 64, 65, 158. (See 1906, 339; 1908, 266.) R. L. 112.
- 402 Superseded, 1906, 463 I §§ 2, 68. (See 1904, 96.) R. L. 111.
- 411 Superseded, 1902, 544 §§ 4, 35. (See 1904, 451 § 1, cl. H.) R. L. 20.
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- 414 Amended, 1908, 126, 273; 1911, 328. (See 1907, 577; 1908, 333, 343; 1909, 423 § 5; 1910, 327.) R. L. 98.
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- 430 Repealed, 1904, 335 § 3. (See 1903, 275; 1909, 514 § 32.) R. L. 72, 106, 208.
- 432 Superseded, 1906, 463 I §§ 2, 68. (See 1904, 429; 1906, 417.) R. L. 111.
- 433 In part superseded, 1906, 200; 1908, 427; 1911, 537. R. L. 42.
- 435 Superseded, 1909, 514 §§ 48, 145. (See 1908, 645.) R. L. 106.
- 438 § 1 affected, 1909, 67. R. L. 9.

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- 441 In part repealed, 1903, 437 §§ 27, 95. R. L. 109.
- 443 Superseded, 1909, 490 II §§ 61, 62. (See 1905, 325 § 2.) R. L. 13.
- 446 Superseded, 1909, 514 §§ 11, 145. (See 1904, 313 § 1.) R. L. 106.
- 449 Superseded, 1906, 463 III §§ 60–63, 158. (See 1906, 218.) R. L. 34, 112.
- 450 Superseded, 1909, 514 §§ 112, 145. (See 1906, 427; 1907, 193; 1908, 650.) R. L. 106.
- 453 § 2 amended, 1908, 304; 1910, 219 § 1. § 3 amended, 1910, 219 § 2. R. L. 57.
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- 463 Repealed, 1906, 347 § 5. (See 1906, 66 § 1, 204 § 3; 1908, 590 § 4.) R. L. 115, 126.
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- 485 § 4 affected, 1906, 291. R. L. 100.
- 490 Superseded, 1906, 204 § 2; 1908, 590 § 3. R. L. 113.
- 492 Superseded, 1907, 560 §§ 93, 456. R. L. 11.
- 493 Superseded, 1905, 465 § 180. (See 1908, 604.) R. L. 16.
- 495 Superseded, 1909, 444. (See 1907, 321. Res. 1911, 103.) R. L. 89.
- 499 See 1904, 451 § 3; 1905, 380. R. L. 165.
- 505 § 2 in part superseded, 1907, 399. § 3 amended, 1903, 228. (See 1903, 249 § 1.) R. L. 76.
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- 507 In part repealed, 1906, 463 I §§ 44, 68. R. L. 111.
- 512 Superseded, 1907, 560 §§ 60, 456. R. L. 11.
- 513 Superseded, 1904, 451 § 3. (See 1908, 259.) R. L. 165.
- 521 See 1906, 258, 393. R. L. 48.
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- 524 Affected, 1906, 291 § 4. R. L. 100.
- 530 Superseded, 1905, 157 §§ 2, 5. R. L. 7.
- 531 § 1 amended, 1906, 151; 1910, 419. R. L. 65.
- 533 Superseded, 1906, 463 I §§ 23, 68. R. L. 111.
- 534 Limited, 1907, 573 § 17. § 6 amended, 1907, 258. (See 1904, 167.) R. L. 112.
- 537 Repealed, 1907, 560 § 456. (See 1903, 425, 426, 450, 453, 474; 1905, 386; 1906, 444.) R. L. 11.
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 179 Superseded, 1907, 323; 1911, 454. R. L. 160.
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274	Superseded, 1911, 285. (See 1907, 306.) R. L. 91.
275	Repealed, 1904, 335; 1909, 504 §§ 32, 145. R. L. 72, 208.
276	Superseded, 1907, 563 §§ 6, 26; 1909, 527 § 8. (See 1907, 452; 1909, 490 IV § 6.) R. L. 15.
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294	Superseded, 1904, 308. (See 1906, 239.) R. L. 91.
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- 368 Superseded, 1907, 560 §§ 217-228, 456. (See 1905, 313 § 1.) R. L. 11.
- 377 Superseded, 1905, 465 § 31. (See 1908, 604.) R. L. 16.
- 383 § 3 amended, 1907, 464. R. L. 49.
- 386 See 1904, 403; 1906, 523. R. L. 208.
- 387 Superseded, 1904, 381 § 3, cl. 4; 1909, 468 § 3, cl. 4, § 16. R. L. 79.
- 395 Superseded, 1905, 157 §§ 2, 5. R. L. 7.
- 400 Repealed, 1909, 504 § 107. (See 1904, 278; 1905, 458, 475; 1906, 471; 1909, 504 § 71.) R. L. 87.
- 402 Affected, 1909, 379. R. L. 84.
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- 408 § 1 amended, 1911, 380 § 1. § 2 amended, 1905, 209 § 1; 1911, 380 § 2. R. L. 57.
- 410 Superseded, 1909, 504 §§ 94, 107. (See 1911, 30.) R. L. 87, 100.
- 412 § 2 in part superseded, 1904, 453 § 2. R. L. 160.
- 420 Superseded, 1909, 468 § 1. (See 1904, 381 § 1; 1907, 43.) R. L. 79.
- 421 Superseded, 1907, 576 §§ 7, 122. R. L. 118.
- 423 In part repealed, 1906, 463 II §§ 41, 258 III § 158. § 1 affected, 1910, 171 §§ 1-6. (See 1903, 437.) R. L. 109.
- 425 Repealed, 1907, 560 § 456. R. L. 11.
- 428 § 1 amended, 1909, 188. (See 1909, 453.) R. L. 108.
- 430 Superseded, 1907, 560 §§ 19, 456. (See 1904, 294 § 3; 1907, 429 § 3.) R. L. 11.
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- 450 Repealed, 1907, 560 §§ 166, 456. (See 1903, 453, 454.) R. L. 11.
- 453 Repealed, 1907, 560 § 456. R. L. 11.
- 454 Repealed, 1907, 560 § 456. (See 1903, 474 § 6; 1904, 41, 179, 293, 377; 1905, 386; 1907, 429 § 14.) R. L. 11.
- 455 § 1 amended, 1905, 218 § 2; 1907, 359; 1909, 174. R. L. 10.
- 456 Affected, 1904, 107, 234; 1906, 200; 1908, 427. R. L. 39, 41.
- 457 §§ 1, 2 superseded, 1905, 465 §§ 122, 123. (See 1904, 371; 1905, 391; 1908, 604.) R. L. 16.
- 459 Extended, 1909, 103 § 1. R. L. 25.
- 464 Superseded, 1909, 483 § 3. R. L. 58.
- 465 See 1911, 463. R. L. 28.
- 467 Amended, 1907, 208. (See 1908, 195.) R. L. 75.
- 471 § 1 in part repealed, 1904, 458 §§ 6, 7. R. L. 6, 79.
- 472 § 2 superseded, 1907, 286. § 3, see 1904, 451 § 3; 1906, 276; 1908, 259. R. L. 157, 165.
- 473 Repeal and substitute, 1909, 534. (See 1905, 311, 366; 1906, 353, 412; 1907, 203, 408, 494, 580; 1908, 263, 467, 642, 648.) R. L. 47, 52, 54, 102.
- 474 Repealed, 1907, 560 § 456. (See 1904, 293; 1905, 386; 1906, 291, 444.) R. L. 11.
- 475 Superseded, 1909, 514 §§ 86–90, 145. (See 1907, 537 § 5; 1908, 389.) R. L. 106, 108.
- 476 Superseded, 1906, 463 III §§ 43, 158. R. L. 112.
- 478 Superseded, 1906, 463 I §§ 37, 68. (See 1905, 408.) R. L. 111.
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- 96 Superseded, 1906, 463 I §§ 2, 68. R. L. 111.
- 99 Superseded, 1909, 490 III § 2. (See 1906, 322; 1907, 564 § 2; 1909, 430 § 1.) R. L. 14.
- 108 Amended, 1909, 464 § 2. R. L. 47.
- 110 Superseded, 1906, 463 III §§ 80, 158. R. L. 112.
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- 142 Amended, 1907, 241; 1910, 392. R. L. 102.
- 152 § 1 amended, 1908, 290. R. L. 25.
- 153 See 1908, 250 § 2, 464 § 1, 594; 1909, 136, 148. R. L. 21, 27.
- 155 § 1 amended, 1909, 294. (See 1907, 576 § 35; 1909, 514 § 30; 1910, 339; 1911, 111.) R. L. 119.
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- 179 Repealed, 1907, 560 § 456. (See 1904, 377; 1905, 386 § 13; 1906, 444 § 1.) R. L. 11.
- 181 Amended, 1906, 271 § 11; 1909, 490 I § 93. R. L. 12.
- 183 See 1904, 450, 460 § 4. R. L. 102.
- 194 Amended, 1911, 352. R. L. 32.
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- 207 Affected, 1905, 222. R. L. 109, 110.
- 208 Superseded, 1908, 590 § 68; 1909, 491 § 8. R. L. 113, 116.
- 209 See 1908, 474. R. L. 9.
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- 220 Affected, 1906, 389; 1909, 472. R. L. 46.
- 224 In part superseded, 1906, 282; 1907, 251; 1910, 347. (See 1910, 316.) R. L. 220, 223.
- 226 § 1 superseded, 1905, 465 § 153. (See 1906, 139; 1908, 604.) R. L. 16.
- 227 See 1907, 550. R. L. 104.
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| 259 | In part repealed, 1910, 258. R. L. 160. |
| 261 | § 1 amended, 1906, 271 § 12. (See 1904, 442; 1907, 586; 1909, 490 III § 43.) R. L. 12, 14. |
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| 265 | Superseded, 1906, 463 I §§ 7, 68. (See 1906, 266.) R. L. 111. |
| 267 | Superseded, 1906, 463 III §§ 102, 158. R. L. 112. |
| 269 | § 6 amended, 1905, 265 § 1. (See 1909, 469.) R. L. 91. |
| 274 | § 1 amended, 1905, 348 § 1. (See 1905, 344.) R. L. 30, 81. |
| 275 | Superseded, 1907, 560 §§ 121, 456. (See 1907, 429 § 5.) R. L. 11. |
| 278 | See 1905, 475 § 2; 1909, 504 § 69. R. L. 87. |
| 281 | Increase, 1908, 374. R. L. 164. |
| 282 | See 1907, 297; 1908, 270; 1909, 403, 469; 1910, 177. R. L. 91. |
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| 286 | § 1 amended, 1907, 442 § 3; 1909, 248; 1910, 266. § 2 amended, 1906, 265 § 1. § 3 affected, 1908, 328; in part repealed, 1909, 331. (See 1904, 455 § 1.) R. L. 164. |
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| 293 | Repealed, 1907, 560 § 456. R. L. 11. |
| 294 | Superseded, 1907, 560 §§ 19, 456. (See 1907, 429 § 3.) R. L. 11. |
| 300 | Superseded, 1907, 576 §§ 43, 122. R. L. 118. |
| 301 | § 1 affected, 1905, 281 §§ 1, 2. R. L. 91. |
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| 327 | § 1, see 1907, 136. R. L. 25. |
| 333 | Affected, 1905, 383; 1907, 550. R. L. 104. |
| 334 | Superseded, 1909, 514 §§ 45, 145. (See 1907, 560 §§ 447, 456.) R. L. 11, 106. |
| 335 | Superseded, 1909, 514 §§ 31, 32, 145. (See 1907, 232 § 3.) R. L. 72, 208. |

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- 356 See 1906, 413, 489, 501; 1907, 137, 158, 195; 1911, 175, 456. R. L. 46, 83, 212.
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- 361 § 1 superseded, 1905, 465 §§ 90, 157; 468 § 1. (See 1905, 468 § 2; 1908, 604.) R. L. 16.
- 363 § 1, see 1905, 464. R. L. 225.
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- 367 § 1 amended, 1910, 548. (See 1906, 179 § 2; 1907, 198, 299; 1908, 255.) R. L. 91.
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- 377 Repealed, 1905, 386 § 18. (See 1907, 560.) R. L. 11.
- 380 Repealed, 1907, 560 § 456. R. L. 11.
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| 427 | Affected, 1906, 204; 1908, 590 §§ 4-6. R. L. 113, 117. |
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- 157 § 1 amended, 1910, 369; 1911, 485. § 2, see 1910, 310 § 2. § 3 superseded, 1906, 460 § 2. R. L. 7.
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- 245 See 1910, 545 § 3. R. L. 92.
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- 249 § 1 amended, 1910, 560 § 3. (See 1905, 288; 1906, 50, 344.) R. L. 128.
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- 251 § 1 amended, 1907, 480; 1910, 269; § 2 amended, 1907, 480 § 1. R. L. 75.
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- 284 See 1911, 77. § 1 amended, 1911, 88. R. L. 100.
- 287 Superseded, 1907, 576 §§ 11, 122. R. L. 118.
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- 289 § 1 superseded, 1909, 301; 1911, 377. (See 1908, 294 § 2.) R. L. 76.
- 295 Amended, 1906, 329; 1907, 261; 1910, 332; 1911, 116. R. L. 217.
- 298 §§ 1, 2 superseded, 1905, 465 § 120; 1906, 469 § 1, 504 § 9; 1907, 526 § 11. (See 1908, 604.) R. L. 16.
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- 307 Superseded, 1911, 456. (See 1905, 338; 1906, 501; 1907, 563; 1908, 104 § 1; 1909, 180.) R. L. 212, 220.
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- 318 Superseded, 1907, 560 §§ 73, 418. (See 1906, 291 § 18, 444 § 12; 1907, 387.) R. L. 11.
- 320 § 1 amended, 1906, 383. (See 1911, 241.) R. L. 44.
- 322 Superseded, 1911, 270. R. L. 21.
- 323 See 1909, 494. R. L. 164.
- 325 Superseded, 1909, 490 II §§ 59, 61, 76. (See 1908, 226.) R. L. 13.
- 326 Affected, 1906, 224; 1909, 115. R. L. 144.
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- 332 Superseded, 1907, 231. R. L. 21.
- 338 Affected, 1906, 501 § 3; 1911, 456. (See 1908, 104.) R. L. 220.
- 339 Superseded, 1910, 501. R. L. 160.
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- 342 § 1 amended, 1906, 105 § 1; 1908, 335; 1910, 143. R. L. 102, 104.
- 344 See 1905, 348. R. L. 30, 81.
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- 366 Superseded, 1909, 534 §§ 17, 31. (See 1906, 353, 412; 1908, 263, 467.) R. L. 25, 47, 52.
- 367 In part repealed, 1907, 563 §§ 6, 26; 1909, 527 §§ 7, 8. (See 1908, 624; 1909, 490 IV § 6.) R. L. 15.
- 369 § 1 amended, 1908, 434. (See 1907, 466; 1908, 178; 1909, 218, 514 § 15.) R. L. 6.
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- 377 Superseded, 1906, 345. R. L. 65.
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- 435 Superseded, 1909, 504 § 75. R. L. 87.
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- 437 Superseded, 1908, 566. (See 1909, 281; 1911, 48.) R. L. 104.
- 443 § 1 amended, 1907, 128 § 2. § 2 amended, 1907, 128 § 3. R. L. 160.
- 445 Superseded, 1908, 330. (See 1907, 300.) R. L. 92.
- 447 Superseded, 1909, 504 § 29. R. L. 87.
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- 470 Superseded, 1907, 563 §§ 1, 26; 1909, 490 IV § 1, 527 §§ 1, 8. (See 1906, 436 § 1; 1907, 452; 1908, 624.) R. L. 15.
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- 267 Superseded, 1906, 463 I § 6, III § 158. R. L. 111.
- 268 § 1 amended, 1908, 591 § 1. (See 1909, 263.) § 2 superseded, 1907, 521 § 1; 1910, 150. § 3 amended, 1907, 521 § 2; 1911, 474. § 4 amended, 1908, 591 § 2. § 5 amended, 1907, 521 § 3; 1911, 242. R. L. 25, 28, 101.
- 269 Extended, 1911, 70. R. L. 189.
- 271 § 1 superseded, 1909, 490 III § 4. (See 1906, 516; 1908, 468.) § 2 superseded, 1909, 490 III § 19. § 3 superseded, 1909, 490 III § 21. (See 1907, 246; 1909, 342.) § 4 superseded, 1909, 490 III § 22. (See 1909, 342 § 2.) § 5 superseded, 1909, 490 III § 24. § 6 superseded, 1909, 490 III § 34. § 7 repealed, 1907, 576 § 122. § 8, see 1909, 490 III § 35. § 9, see 1909, 490 III § 43. § 10 superseded, 1909, 490 III § 37. (See 1909, 490 III § 57.) § 11 superseded, 1909, 490 I § 93. § 12, see 1909, 490 III § 43. (See 1906, 516 § 21; 1908, 586.) § 13, see 1909, 490 III § 57. R. L. 12, 14, 111.
- 273 Superseded, 1908, 604 § 20. R. L. 16.
- 274 § 1 amended, 1911, 39. (See 1909, 421.) R. L. 92.
- 276 See 1908, 259. R. L. 165.
- 278 Superseded, 1910, 533 § 3. (See 1909, 328; 1911, 101, 118 § 3.) R. L. 92.
- 281 § 2 amended, 1909, 261 § 2. (See 1907, 140, 190, 308.) R. L. 76, 100.
- 282 § 1 superseded, 1907, 251 § 1. (See 1910, 316, 347.) R. L. 220, 223, 225.
- 283 Superseded, 1906, 463 II §§ 169, 258. R. L. 111.
- 284 Superseded, 1909, 514 §§ 56, 145. (See 1907, 224.) R. L. 106.
- 288 See 1907, 297; 1908, 270; 1909, 403, 469. R. L. 91.
- 291 § 2 in part repealed, 1909, 387 § 2. § 4 amended, 1907, 214; 1910, 383. (See 1906, 384.) § 10 amended, 1909, 221. § 13 amended, 1909, 311. § 18 amended, 1907, 387. (See 1906, 444 § 12.) R. L. 11, 100, 102.
- 292 Superseded, 1911, 234. R. L. 92.
- 293 See 1910, 360. R. L. 225.
- 296 Repealed, 1909, 371 § 10. (See 1907, 79; 1908, 481; 1909, 371 §§ 2, 6.) R. L. 9, 107.
- 298 Superseded, 1907, 560 §§ 352, 456. R. L. 11.
- 301 Superseded, 1909, 421. R. L. 92.
- 302 See 1908, 230. R. L. 225.
- 303 Superseded, 1908, 441. (See 1909, 272, 422; 1910, 365.) R. L. 92.
- 309 Superseded, 1907, 489; 1909, 504 § 65. (See 1906, 508.) R. L. 87.
- 311 Superseded, 1907, 560 §§ 311, 456. R. L. 11.
- 313 Superseded, 1909, 504 §§ 14, 107. R. L. 87.
- 314 Superseded, 1909, 377. R. L. 91.

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- 316 Superseded, 1909, 504 §§ 54, 107. R. L. 87.
- 322 Superseded, 1909, 490 III § 2. (See 1907, 564 § 2; 1908, 550 § 1; 1909, 430 § 1.) R. L. 14.
- 323 See 1909, 521; 1910, 462. R. L. 62.
- 324 See 1909, 504 § 103. R. L. 85, 87.
- 325 § 2 amended, 1907, 128 § 1. R. L. 160.
- 329 Amended, 1907, 261; 1910, 332; 1911, 116. R. L. 217.
- 334 See 1909, 526. R. L. 76.
- 339 Superseded, 1906, 463 III §§ 76, 158. R. L. 112.
- 341 See 1908, 598. R. L. 84.
- 342 § 2 amended, 1910, 555 § 4. § 3 affected, 1908, 177; amended, 1911, 212. (See 1908, 516; 1909, 236.) R. L. 173.
- 344 § 3 amended, 1910, 560 § 7. R. L. 128.
- 347 § 1 superseded, 1910, 343. (See 1908, 590 §§ 4-17; 1910, 399.) R. L. 115.
- 349 Superseded, 1909, 490 III § 70. R. L. 14.
- 352 Superseded, 1909, 504 § 58. (See 1907, 432.) R. L. 87.
- 353 Repealed, 1909, 534 § 31. (See 1906, 412; 1907, 494, 580; 1908, 263, 648.) R. L. 47, 52, 54, 102.
- 356 Superseded, 1910, 460. R. L. 91.
- 365 § 1 amended, 1907, 445; 1911, 613. (See 1907, 183, 386, 474; 1909, 391.) R. L. 75.
- 369 See 1909, 514 § 15. R. L. 6.
- 370 Superseded, 1909, 514 §§ 128, 145. (See 1908, 380, 457.) R. L. 106.
- 371 § 1 amended, 1907, 215. R. L. 44.
- 372 See 1909, 490 II § 81, III § 58. R. L. 13.
- 373 Superseded, 1908, 604 § 103. R. L. 16.
- 377 Superseded, 1908, 590 §§ 16, 69; 1909, 491 § 4. (See 1907, 533; 1910, 399.) R. L. 113, 115.
- 383 See 1911, 241. R. L. 44.
- 385 Amended, § 9 added, 1907, 173. § 2, see 1909, 371 § 2. R. L. 83, 84, 107.
- 386 §§ 1, 2 superseded, 1907, 259 §§ 1, 3. §§ 3, 4, 5 repealed, 1910, 387 § 11; 1911, 341. (See 1907, 180, 259 § 2; 1908, 307, 525; 1909, 375 § 2; 1910, 271.) § 6, see 1910, 387 § 5, 416; 1911, 289, 341, 372. R. L. 75, 213.
- 387 See 1906, 521, 522; 1907, 373, 465; 1908, 563. R. L. 105.
- 389 See 1906, 413, 489; 1911, 176 § 2, 265. R. L. 46, 86.
- 390 Superseded, 1909, 514 §§ 121-126; 1910, 563; 1911, 727 § 22. (See 1908, 605 §§ 7, 8; 1909, 317.) R. L. 102, 189.
- 392 See 1908, 529 § 4, 524; 1909, 477. R. L. 110, 121.
- 395 Amended, 1911, 507. R. L. 100.
- 396 Superseded, 1907, 576 §§ 32, 122. R. L. 118.
- 398 Superseded, 1909, 283. R. L. 21.
- 399 Affected, 1911, 731. § 1 amended, 1907, 213. (See 1908, 427; 1911, 375.) R. L. 39, 42.

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- 403 See 1907, 494. R. L. 212.
- 408 Affected, 1908, 493; 1910, 338. § 1 revised, 1907, 377 § 1. § 2 revised, 1911, 358. § 3 revised, 1909, 287 § 2, 450. R. L. 70, 111.
- 411 Affected, 1908, 486. R. L. 34.
- 412 Repeal and substitute, 1909, 534. (See 1907, 203; 408, 494, 580; 1908, 263, 467, 642, 648.) R. L. 25, 52, 54, 102.
- 413 In part superseded, 1906, 489 § 4. Affected, 1907, 137, 158, 195; 1908, 286; 1911, 595. § 5, see 1911, 176 § 2. § 8, see 1907, 223, 362, 411; 1911, 265. § 14, see 1908, 465 §§ 2, 3, 6, 637. R. L. 46, 86, 160, 204, 217, 220.
- 414 Superseded, 1907, 373 § 2; 1911, 562 § 4. (See 1906, 522.) R. L. 102, 105.
- 417 Repealed, 1910, 401 § 2. (See 1906, 463 I §§ 2, 69.) R. L. 111.
- 418 Superseded, 1909, 504 § 32. R. L. 87.
- 421 § 1 amended, 1910, 497 § 2. § 2 amended, 1911, 423. § 4 amended, 1907, 517 § 2. R. L. 100.
- 423 Superseded, 1908, 604 §§ 92-95. (See 1907, 526 § 1.) R. L. 16.
- 425 § 1 amended, 1907, 364. R. L. 75.
- 427 Superseded, 1909, 514 §§ 112, 145. (See 1907, 193; 1908, 650.) R. L. 106.
- 435 Superseded, 1909, 514 §§ 1-8. (See 1907, 135; 1908, 306, 462, 485; 1909, 371.) R. L. 107.
- 436 Superseded, 1907, 563 §§ 1, 26; 1909, 490 IV § 1; 527 §§ 1, 8. (See 1907, 452; 1908, 624.) R. L. 15.
- 437 Repealed, 1908, 534 § 2. (See 1909, 477.) R. L. 110, 121.
- 444 Repealed, 1907, 560 § 456. (See 1907, 429.) R. L. 11.
- 451 Amended, 1907, 176 § 1; 1910, 534 § 1. R. L. 173.
- 460 §§ 1, 2, 4 repealed, 1910, 439 § 6. And superseded, 1910, 439. (See 1909, 276.) R. L. 7.
- 463 I § 1 affected, 1907, 425. Amended, 1911, 681. § 2 superseded, 1910, 401. § 5, see 1908, 552 § 1. §§ 5-20, see 1909, 490 III § 49; 1910, 588, 596; 1911, 487. § 6, see 1908, 495; 1911, 290. § 7 extended, 1908, 599. § 9 amended, 1909, 343. (See 1911, 755 § 7.) § 20, see 1909, 502 §§ 1, 2. § 23 amended, 1908, 542 § 1; 1909, 47 § 1. §§ 23-28, see 1908, 266 § 5, 372 § 1, 552. § 25 amended, 1908, 542 § 2. §§ 29, 36 affected, 1908, 372 § 2; 1909, 429. § 34 affected, 1910, 498; 1911, 486 § 2. § 36, see 1911, 486 § 3. § 37 amended, 1908, 390 § 1; 1911, 486 §§ 1, 2. § 39 amended, 1908, 390 § 2. § 41 amended, 1910, 544. § 43 amended, 1909, 358. §§ 46-48, see 1909, 514 § 135. § 47, see 1909, 502 § 1. §§ 48-56, see 1909, 485. § 58, see 1908, 552. §§ 59, 60, see 1910, 187. § 63 amended, 1907, 392 § 1; 1911, 635. § 65, see 1908, 636 §§ 1, 3; 1909, 369. § 67 amended, 1907, 585 § 7. (See 1910, 443.) § 68, see 1906, 463 II §§ 22, 45-58, 60, 147, 155, 156, 173-176, 516 § 12; 1907, 428; 1909, 485. R. L. 111.

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465 § 1 amended, 1910, 204. R. L. 19.

468 See 1908, 418, 440; 1909, 434. R. L. 160.

469 Superseded, 1908, 604 § 140. (See 1906, 504 § 9; 1907, 526 § 11.) R. L. 16.

471 Superseded, 1909, 504 § 49. R. L. 87.

472 Superseded, 1909, 504 § 105. (See 1909, 274; 1910, 345.) R. L. 87, 219, 225.

474 Superseded, 1910, 540. R. L. 164.

477 See 1909, 469. R. L. 91.

479 Superseded, 1908, 530; 1910, 567. R. L. 112.

480 See 1911, 675. R. L. 108.

482 Superseded, 1908, 477; 1909, 309. R. L. 92.

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- 489 Affected, 1907, 137, 195. § 3, see 1908, 458. § 4, see 1907, 411. § 6, see 1908, 637; 1909, 216; 1910, 275; 1911, 175, 265. § 7, see 1908, 286; 1909, 181. R. L. 46, 160, 217.
- 493 Superseded, 1909, 490 I § 5. R. L. 12.
- 494 § 1 amended, 1907, 170 § 1. R. L. 7.
- 499 Superseded, 1909, 514 §§ 61-65, 145. R. L. 46, 106.
- 501 Superseded, 1911, 456. (See 1908, 104; 1909, 180.) R. L. 153, 212, 220.
- 502 § 1 amended, 1910, 257 § 1. § 2 amended, 1910, 257 § 2. § 6 amended, 1908, 189. § 7 repealed, 1908, 412. (See 1909, 514 § 58.) R. L. 39, 42.
- 503 See 1907, 314. R. L. 76.
- 504 Superseded, 1908, 604. (See 1907, 305 § 7, 526 §§ 7-14; 1908, 195, 315, 371, 469; res. 1910, 28.) R. L. 16.
- 505 §§ 1-6 repealed, 1911, 471. (See 1908, 572, 639; 1909, 540.) R. L. 42, 86.
- 508 Affected, 1907, 421. §§ 1-8, 12-17 repealed, 1909, 504 § 107. (See 1907, 489; 1909, 504 §§ 14, 59-65.) R. L. 87.
- 516 Extended, 1907, 556 § 1. §§ 2, 8, see 1910, 587. § 6 amended, 1907, 428 § 1. § 7 amended, 1907, 428 § 2; 1908, 450. § 12 amended, 1907, 428 § 3. § 13 amended, 1907, 428 § 4. §§ 14, 15, 20 amended, 1909, 440 § 2. §§ 14-25, see 1909, 490 III §§ 39-51. § 17 amended, 1909, 513 § 3. § 20 amended, 1909, 440 § 2; affected, 1908, 614; 1909, 490 III § 64. § 28 (new) added, 1907, 448. R. L. 14, 111, 112.
- 517 Superseded, 1909, 514 §§ 37-40, 145; 1911, 494. (See 1907, 269 § 1, 570; 1908, 547.) R. L. 106.
- 521 § 1 amended, 1911, 619. (See 1907, 465 § 4.) §§ 2, 3 superseded, 1907, 465 §§ 16, 28. (See 1908, 563; 1911, 656, 675.) R. L. 105, 108.
- 522 § 1 amended, 1909, 410; 1911, 561 § 4. (See 1911, 675.) Affected, 1907, 451, 465 § 25; 1908, 375. (See 1907, 482; 1908, 563.) R. L. 105, 108.

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- 43 See 1909, 468 § 1. R. L. 79.
- 54 §§ 1, 2 superseded, 1908, 536 §§ 1, 2; 1909, 483 § 8. R. L. 58, 121.
- 79 Repealed and superseded, 1909, 371 §§ 2, 10. (See 1908, 462, 481 § 1.) R. L. 107.
- 99 Amended, 1909, 508 §§ 1, 3; 1910, 472. (See 1911, 198.) R. L. 92.
- 117 § 1 amended, 1908, 142 § 1. § 2 amended, 1908, 142 § 2. R. L. 25, 26.
- 118 See 1907, 250; 1908, 484; 1909, 362. R. L. 92.
- 133 § 1, see 1907, 312. R. L. 165.
- 135 § 1 superseded, 1909, 514 § 7. (See 1908, 485 § 6; 1909, 371 § 2.) R. L. 106, 107.
- 137 See 1907, 158, 195. R. L. 46, 160.

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- 139 Construed, 1908, 638. § 1, see 1908, 414, 597 §§ 1, 5. § 2 amended, 1907, 276; 1908, 597 § 2; 1911, 294. R. L. 6.
- 140 Amended, 1910, 172 § 2. (See 1907, 190, 308.) R. L. 76, 100.
- 159 See 1911, 736 § 4. R. L. 151.
- 164 Superseded, 1909, 514 §§ 104, 145. (See 1907, 537 § 5.) R. L. 106.
- 166 Repealed, 1909, 466 § 2. (See 1908, 284, 413; 1910, 564; 1911, 118, 172.) R. L. 92.
- 169 § 1 repealed, 1909, 504 § 107. (See 1909, 504 § 99; 1911, 206.) § 3, see 1908, 116. R. L. 145.
- 177 Amended, 1908, 356; 1910, 330. R. L. 49.
- 180 See 1907, 259; 1908, 307; 1909, 375; 1910, 271, 387, 416; 1911, 30, 289, 341. R. L. 75, 213.
- 181 Superseded, 1909, 490 I § 57. (See 1908, 387 § 2.) R. L. 12.
- 183 See 1907, 386, 445. R. L. 75.
- 190 See 1907, 308. R. L. 100.
- 193 Superseded, 1909, 514 §§ 112, 145. (See 1908, 650.) R. L. 106.
- 195 § 1, see 1908, 286; 1911, 175. R. L. 46, 160.
- 198 Repeal and substitute, 1911, 614. (See 1908, 402, 484; 1909, 262; 1911, 235.) R. L. 92, 102.
- 203 Superseded, 1909, 534 §§ 15, 31. (See 1907, 408, 494, 580; 1908, 263, 467, 648.) R. L. 52, 54, 102.
- 204 In part superseded, 1910, 417. R. L. 73.
- 206 Superseded, 1910, 335. R. L. 164.
- 208 See 1908, 195. R. L. 75.
- 211 See 1907, 500 §§ 2, 3. R. L. 102.
- 213 See 1908, 427; 1911, 375, 731. R. L. 39, 42.
- 214 See 1910, 383. R. L. 102.
- 216 See 1908, 643. R. L. 56.
- 224 Superseded, 1909, 514 §§ 59, 145. R. L. 106.
- 226 See 1909, 504 §§ 98, 107. R. L. 87.
- 228 § 1, see 1908, 237 § 6. R. L. 57.
- 232 § 4 superseded, 1908, 604 § 170. R. L. 16.
- 240 § 1 amended, 1908, 182; 1910, 629; 1911, 391. R. L. 102.
- 241 Amended, 1910, 392. R. L. 102.
- 243 See 1908, 411 § 1; 1911, 297 § 6. R. L. 56, 75, 89.
- 246 Superseded, 1909, 490 III § 21. R. L. 14.
- 250 § 1 in part superseded, 1909, 421 § 1. (See 1908, 484.) R. L. 92.
- 251 § 2 amended, 1910, 347. (See 1910, 316.) R. L. 220.
- 252 Superseded, 1910, 356. (See 1910, 316.) R. L. 220.
- 259 See 1908, 307; 1909, 375; 1910, 271, 387; 1911, 372. R. L. 75, 213.
- 261 Amended, 1910, 332; 1911, 116. R. L. 217.
- 267 Superseded, 1909, 514 § 51. R. L. 106.
- 269 Superseded, 1909, 514 §§ 37-40, 145. (See 1907, 570.) R. L. 106.
- 271 See 1908, 555, 598. R. L. 84.
- 272 See 1911, 624. R. L. 19, 108.
- 274 Superseded, 1908, 385 § 2. R. L. 102, 313.

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- 276 See 1908, 469, 597. R. L. 6.
- 282 § 1 amended, 1908, 180. R. L. 109, 110.
- 283 In part superseded, 1907, 534 § 3. (See 1909, 310.) R. L. 62.
- 285 In part repealed, 1911, 411 § 10. R. L. 91.
- 286 See 1911, 567. R. L. 157.
- 287 Amended, 1908, 504. R. L. 111.
- 289 Repealed, 1911, 388 § 12. R. L. 57.
- 294 Superseded, 1908, 149. (See 1909, 160.) R. L. 127.
- 295 See 1907, 357. R. L. 42.
- 296 Superseded, 1909, 377. R. L. 91.
- 297 Repealed, 1909, 403; 1910, 177. (See 1908, 270.) R. L. 91.
- 299 Affected, 1911, 722 § 3. See 1908, 255. R. L. 91.
- 300 Superseded, 1908, 330. R. L. 92.
- 303 See 1908, 330. R. L. 91.
- 305 Superseded, 1908, 604 §§ 30, 95. R. L. 16.
- 306 Superseded, 1911, 285. R. L. 91.
- 307 Superseded, 1909, 396. (See 1908, 377; 1909, 362; 1910, 545.)
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- 308 Amended, 1909, 261 § 1. R. L. 100.
- 309 § 1 amended, 1909, 254. (See 1908, 335.) R. L. 102.
- 316 Amended, 1910, 539. R. L. 121.
- 318 Superseded, 1909, 490 III § 51. R. L. 14.
- 319 § 1 revised, 1908, 520 § 14. (See 1909, 490 III § 37; 1910, 399.)
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- 320 § 1 amended, 1908, 520 § 13. (See 1909, 342 § 2.) R. L. 116.
- 321 Superseded, 1909, 444. (See Res. 1911, 103.) R. L. 89.
- 323 Superseded, 1911, 454. R. L. 160.
- 329 § 1 amended, 1908, 193. (See 1909, 490 III § 41.) R. L. 12, 14.
- 330 Superseded, 1907, 560 §§ 111, 456. R. L. 11.
- 332 See 1911, 70. R. L. 109.
- 340 Repeal and substitute, 1908, 590 §§ 56, 57, 69. (See 1907, 417.)
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- 343 § 1 amended, 1909, 201. R. L. 27, 106.
- 344 Amended, 1910, 608. R. L. 19.
- 354 Superseded, 1909, 468 § 17. R. L. 79.
- 355 Amended, 1910, 532. R. L. 102.
- 356 Superseded, 1908, 604 §§ 26, 27. (See 1908, 434 § 1.) R. L. 12.
- 359 Amended, 1909, 174. R. L. 10.
- 363 See 1908, 133; 1909, 302. R. L. 212.
- 365 See 1910, 284. R. L. 104.
- 367 Superseded, 1909, 490 I § 5. R. L. 12.
- 373 § 1 amended, 1911, 562 § 1. § 2 amended, 1911, 562 § 4. § 3
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- 375 Amended, 1911, 31. R. L. 171.
- 377 Affected, 1908, 493; 1910, 338. § 7 repealed, 1909, 287 § 1. (See
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- 378 Superseded, 1909, 490 II § 20. (See 1908, 299; 1909, 512; 1911, 75.)
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- 383 Repealed, 1911, 428. R. L. 110, 214.
- 386 § 1 amended, 1909, 380. (See 1907, 445.) R. L. 75.
- 392 § 1 amended, 1911, 635. R. L. 111.
- 394 § 1 amended, 1911, 163. R. L. 62.
- 395 Superseded, 1909, 490 III § 41. R. L. 14.
- 402 See 1908, 278. R. L. 12.
- 408 Superseded, 1909, 534 §§ 22, 31. (See 1907, 494, 580; 1908, 648
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- 410 § 1 superseded, 1908, 150. R. L. 213.
- 411 See 1908, 286, 465, 637. R. L. 46, 160.
- 413 In part superseded, 1907, 537 § 5. R. L. 106.
- 417 See 1910, 370. R. L. 116.
- 421 See 1909, 504 § 59. R. L. 87.
- 427 Superseded, 1909, 490 II § 13. R. L. 13.
- 428 § 2 amended, 1908, 450. R. L. 112.
- 429 Repealed, 1907, 560 § 456. R. L. 11.
- 431 Affected, 1909, 394. R. L. 111.
- 432 Superseded, 1909, 504 §§ 58, 107. R. L. 87.
- 433 See 1908, 324. R. L. 28.
- 442 §§ 1, 2 amended, 1908, 541 §§ 1, 2. § 3 amended, 1909, 248; 1910,
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- 443 See 1909, 49. R. L. 165, 210.
- 445 See 1909, 391. R. L. 75, 84.
- 451 Affected, 1908, 375. (See 1909, 410.) R. L. 108.
- 452 Affected, 1907, 563 § 11; 1909, 490 IV §§ 10, 11. (See 1908, 624.)
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- 458 See 1910, 500. R. L. 19.
- 463 See 1908, 335, 494. R. L. 102, 104.
- 465 § 1 amended, 1908, 563 § 1; 1909, 393 § 1. § 4, see 1910, 284; 1911,
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- 466 § 1 superseded, 1908, 178. (See 1908, 469; 1909, 218.) R. L. 6, 85,
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- 468 Superseded, 1907, 560 §§ 6, 456. R. L. 11.
- 471 Affected, 1910, 98. R. L. 119.
- 472 Amended, 1910, 296. R. L. 119.
- 473 § 1 amended, 1909, 263 § 1. § 2 affected, 1909, 452. (See 1908, 209
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- 474 § 1 amended, 1910, 198, 491. § 5 amended, 1908, 532 § 1. § 7
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- 475 See 1908, 209; 1909, 394; 1910, 398; 1911, 244, 722. R. L. 32, 53.
- 480 Amended, 1910, 269. (See 1909, 380, 391.) R. L. 75.
- 482 Repealed, 1911, 561 § 3. (See 1908, 479.) R. L. 108.

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- 489 Superseded, 1909, 504 §§ 65, 107. R. L. 87.
- 490 See 1907, 582 § 34; 1910, 214; 1911, 150. R. L. 68, 69.
- 494 Superseded, 1909, 534 §§ 19, 31. (See 1907, 580; 1908, 648.) R. L. 47, 52, 54, 102.
- 499 Repealed, 1908, 487 § 3. R. L. 104.
- 503 § 2 superseded, 1909, 514 §§ 94, 103, 145. R. L. 104, 106.
- 517 § 1 amended, 1910, 497 § 1. (See 1911, 423.) R. L. 100.
- 520 See 1907, 555; 1908, 303; 1909, 504 § 8; 1910, 220 § 3. R. L. 6.
- 521 § 1 amended, 1910, 150. § 2 amended, 1911, 474. § 3 amended, 1911, 242. (See 1908, 591 § 2; 1909, 263.) R. L. 28, 89.
- 524 §§ 3, 4 amended, 1909, 177 §§ 1, 2. R. L. 75.
- 526 Superseded, 1908, 604 §§ 12, 127-140. R. L. 16.
- 533 See 1908, 590 § 16; 1909, 491 § 4. R. L. 113.
- 534 § 2 amended, 1910, 465; 1911, 632. (See 1908, 195, 469; 1909, 424 § 2.) § 3 affected, 1909, 310. R. L. 62.
- 537 § 1 revised, 1910, 523 § 1. § 2 revised, 1910, 523 § 2. §§ 3-5, see 1908, 325 § 3, 329; 1909, 514 §§ 89, 105, 106; 1910, 394, 405 § 1; 1911, 282, 603, 709. § 5, see 1911, 603 §§ 1, 4. § 6 revised, 1910, 523 § 3. § 7, see 1910, 405 § 4. R. L. 75.
- 539 § 2 amended, 1908, 316. R. L. 109, 110, 214.
- 543 See 1907, 560 § 166; 1909, 356; 1910, 520. R. L. 11.
- 549 See 1907, 553. R. L. 141.
- 550 § 6 amended, 1910, 631. § 111 amended, 1908, 336; 1909, 313. R. L. 104.
- 555 See 1908, 303. R. L. 6.
- 560 § 1, see 1911, 436. § 4 amended, 1910, 44. § 5, see 1907, 581. § 14 amended, 1909, 440 § 2. § 15 amended, 1909, 344 § 1; 440 §§ 2, 4, 492. §§ 16-20, see 1909, 492. §§ 18, 19 amended, 1909, 440 § 2. § 24 amended, 1909, 440 § 6. §§ 25, 26 amended, 1909, 440 § 2. § 41 amended, 1909, 344 § 2. §§ 43, 44 amended, 1909, 440 § 2. § 45 amended, 1909, 344 § 3. §§ 46, 60, 70, 71, 73, 74, 76, 79, 80 amended, 1909, 440 § 2. § 60 amended, 1911, 243. § 62 amended, 1910, 147. §§ 70, 71 affected, 1908, 480; 1909, 440 § 2. §§ 73, 74, 76, 79, 80 amended, 1909, 440 § 2. § 82 repealed, 1908, 83. §§ 83, 86 amended, 1909, 440 § 2. § 89, see 1908, 85. §§ 89-93, see 1908, 518. § 93 amended, 1908, 428. § 97 amended, 1911, 378. § 105 amended, 1911, 353. (See 1909, 356 § 3.) § 112 *et seq.*, see 1910, 520 § 3. § 117 amended, 1911, 517. §§ 119-126, see 1910, 110. § 120, see 1910, 520. § 121 amended, 1910, 200. § 126 amended, 1910, 182. § 133 amended, 1908, 423 § 1. § 137, see 1909, 356 § 3. § 139 amended, 1909, 440 § 2. § 140 amended, 1911, 735. § 143 amended, 1911, 518. § 144 *et seq.*, see 1910, 520 § 3. § 148 amended, 1909, 264. § 151 amended, 1908, 423 § 2. (See 1911, 436.) § 165 *et seq.*, see 1909, 356; 1910, 520 §§ 2, 3. § 170 amended, 1911, 534. (See 1910, 520 § 3.) § 171 amended, 1911, 355. (See 1910, 110.) § 173 amended, 1909, 440 § 2. § 175 amended, 1908, 425. § 177 amended, 1909, 149. 190, 193 amended, 1909, 440 § 2. § 200 affected, 1911, 436. § 241

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- 561 § 11 amended, 1908, 222. (See 1907, 576; 1908, 590 § 36.) R. L. 113, 118.
- 563 In part superseded, 1909, 490 IV, 527; 1911, 191. (See 1908, 550 § 4.) § 1 amended, 1909, 268 § 1; 527 § 1. § 4 amended, 1909, 527 § 2. § 5, see 1909, 527 § 9. § 6 amended, 1909, 527 § 3. (See 1910, 440; 1911, 191.) § 7 amended, 1909, 527 § 4. § 13 amended, 1909, 527 § 5. (See 1910, 440.) § 14 amended, 1908, 268; 1909, 527 § 6. § 16 revised, 1909, 527 § 7. §§ 20, 21, 24, see 1909, 266 § 1. § 23, see 1911, 191. § 25 in part repealed, 1909, 527 § 8. § 26 in part repealed, 1908, 104 § 2. (See 1908, 624; 1909, 527 § 8.) R. L. 14, 15.
- 564 §§ 1, 2 superseded, 1909, 490 III §§ 1, 2. § 2 amended, 1909, 430 § 1. (See 1907, 586.) R. L. 14.
- 570 Superseded, 1909, 514 § 37. R. L. 106.
- 571 § 1, see 1908, 208. R. L. 65.
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- 578 Superseded, 1909, 490 III § 56. R. L. 14.
- 580 Repeal and substitute, 1909, 534. (See 1908, 642, 648.) R. L. 47, 52, 54, 102.
- 581 § 1 amended, 1910, 55 § 1. § 2 amended, 1910, 55 § 2. (See 1908, 483; 1911, 679 § 7.) § 3 amended, 1911, 422. R. L. 11, 214.
- 582 § 18 superseded, 1909, 227. R. L. 173.
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- 586 Superseded, 1909, 490 III §§ 72-79. (See 1908, 194, 615; 1909, 440.) R. L. 14.

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- 99 § 1 superseded, 1909, 490 II § 32. § 2 superseded, 1909, 490 II § 85. R. L. 13.
- 104 See 1909, 180; 1911, 456. R. L. 212.
- 110 § 1 amended, 1909, 166. R. L. 164.
- 116 Amended, 1908, 505. (See 1911, 389.) R. L. 116, 145.
- 120 Superseded, 1909, 490 I § 6. (See 1909, 187.) R. L. 12.
- 121 Amended, 1911, 736 § 5. R. L. 151.
- 126 Amended, 1908, 273; 1911, 328. (See 1908, 333, 343, 385; 1909, 423 § 5; 1910, 327.) R. L. 98.
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- 169 Amended, 1910, 87. R. L. 102.
- 173 See 1908, 443; 1909, 50, 147; 1910, 80; 1911, 667. R. L. 9.
- 177 See 1908, 516; 1909, 236; 1911, 212. R. L. 173.
- 178 See 1908, 469; 1909, 218. R. L. 6.
- 179 Amended, 1910, 540 § 1. R. L. 158, 164.
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- 182 Amended, 1910, 629; 1911, 391. R. L. 102.
- 193 Superseded, 1909, 490 I § 11. R. L. 12.
- 194 Superseded, 1909, 490 III §§ 72, 79. (See 1908, 615; 1909, 440 § 2.) R. L. 14.
- 205 § 2 amended, 1909, 424 § 1. R. L. 57.
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- 219 Repealed, 1908, 382 § 2. R. L. 110.
- 220 See 1909, 490 III § 68, 517. R. L. 14.
- 226 Superseded, 1909, 490 III § 76. R. L. 13.
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- 247 Superseded, 1909, 490 II § 82. R. L. 13.
- 248 Amended, 1908, 509; 1910, 499 § 1. (See 1908, 511; 1911, 250.) R. L. 118.
- 250 See 1908, 464, 594; 1909, 136, 148. R. L. 21, 27.
- 263 See 1909, 534 § 17. R. L. 25, 26.
- 266 See 1910, 518. R. L. 112.
- 268 Superseded, 1909, 490 IV § 14. (See 1908, 550.) R. L. 14, 15.
- 270 Repealed, 1909, 403; 1910, 177. R. L. 91.
- 273 Amended, 1911, 328. (See 1908, 333, 343, 354, 385; 1909, 423 § 5; 1910, 327.) R. L. 98.
- 278 Extended, 1909, 118. R. L. 112.
- 284 Superseded, 1910, 564; 1911, 172. R. L. 92.
- 288 Superseded, 1910, 645. (See 1905, 370 § 2; 1910, 555 § 3.) R. L. 201.
- 294 § 2 superseded, 1909, 301; 1911, 377. R. L. 76.
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- 296 Affected, 1910, 363. § 2 amended, 1910, 321. (See 1908, 297.) R. L. 47, 53.
- 299 Superseded, 1909, 490 II § 20. (See 1909, 512; 1911, 75.) R. L. 13.
- 300 § 1 amended, 1909, 326. R. L. 109, 110.
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- 306 Superseded, 1909, 514 §§ 8, 9, 145. (See 1908, 462 § 5; 1909, 371 § 6.) R. L. 106, 107.
- 307 Repealed, 1910, 387 § 11. (See 1908, 525; 1909, 375 § 1; 1910, 271, 416; 1911, 289, 341.) R. L. 75, 213.
- 314 Amended, 1908, 387 § 2. (See 1909, 490 I §§ 57, 62.) R. L. 12, 14.
- 315 Superseded, 1908, 604 § 90. R. L. 16.
- 317 Superseded, 1908, 604 § 174. R. L. 16.
- 318 Superseded, 1909, 490 III § 59; 528 § 1. R. L. 14.
- 325 Affected, 1910, 543. (See 1909, 514 § 85.) R. L. 106.
- 329 Amended, 1909, 474. (See 1908, 411; 1909, 471.) R. L. 56, 75.
- 333 See 1908, 343, 354, 385; 1909, 423 § 5; 1910, 327. R. L. 98, 106.
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- 344 Superseded, 1908, 604 § 16. R. L. 16.
- 350 § 1 amended, 1911, 548 § 2. § 2 amended, 1908, 583. R. L. 211, 214.
- 354 Superseded, 1908, 604 § 170. (See 1909, 423 § 5; 1910, 327.) R. L. 16, 98, 106.
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- 496 See 1908, 508. R. L. 5.
- 499 § 1 amended, 1911, 135 § 1. § 2 amended, 1911, 135 § 2. § 5 amended, 1911, 135 § 3. (See 1909, 243, 490 I §§ 10, 11.) R. L. 12, 75.
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- 509 Amended, 1908, 543; 1910, 499 § 1. (See 1908, 511; 1909, 192; 1911, 251.) R. L. 118.
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- 542 § 1 amended, 1909, 47 § 1. R. L. 111, 112.
- 543 Affected, 1910, 499 § 1. (See 1909, 192.) R. L. 118.
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- 550 Superseded, 1909, 490 III §§ 2, 5-7. (See 1909, 440 § 2, 517, 527.) R. L. 14, 15.
- 551 § 15 amended, 1909, 383. R. L. 112.
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- 565 See 1908, 566; 1909, 281; 1911, 48, 440. R. L. 104.
- 566 Affected, 1909, 281; 1911, 48, 440. R. L. 102, 104.
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- 615 See 1909, 490 III §§ 72-79. R. L. 14.
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- 248 Amended, 1910, 266. R. L. 164.
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- 259 Superseded, 1909, 490 II § 45. R. L. 13.
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- 266 Affected, 1910, 440. (See 1909, 268, 490 IV § 24; 1911, 191.) R. L. 15.
- 267 § 1, see 1909, 490 III § 40. § 2 amended, 1909, 439 § 2. (See 1909, 490 III § 34.) R. L. 14.
- 268 Superseded, 1909, 527 § 1. (See 1909, 490 IV § 1; 1911, 191.) R. L. 15.
- 271 § 1 amended, 1910, 373. R. L. 22.
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- 378 Repealed, 1911, 396. R. L. 88.
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The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY, BOSTON, October 25, 1911.

I certify that the acts and resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns.

I further certify that the table of changes in general laws has been prepared, and is printed as an appendix to this edition of the laws, by direction of the governor, in accordance with the provisions of section 1 of chapter 9 of the Revised Laws.

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

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